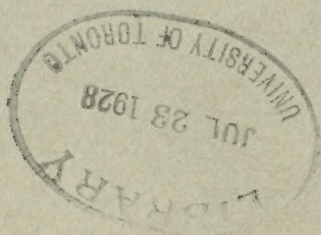


# UNIVERSITY OF OKLAHOMA BULLETIN

## THE CHILD LABOR AMENDMENT



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# UNIVERSITY OF OKLAHOMA BULLETIN

## THE CHILD LABOR AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

Question: Resolv'd, That the Child Labor Amendment to the  
Constitution of the United states should be adopted.

A DEBATE BULLETIN  
Edited by  
J. W. SCROGGS,  
Assisted by Elizabeth Andrews





## FOREWORD

Oklahoma debaters have a great opportunity this year. You are to debate the same subject that will be earnestly debated in the legislature. See if you can beat them. Get up an argument worthy to be heard in the Capitol building!

You have a real question; one which boys and girls just a little averse to hard work can debate sympathetically and understandingly; a question where the approval or rejection of the proposed amendment to the U. S. constitution is infinitely more important than merely winning the decision.

Study the question. Which is really better, in view of all the facts and circumstances, for our country, to accept or reject this amendment? This debate gives you an opportunity to have a real voice in fixing the character of the constitution of the greatest nation on earth or in human history. Rise to the occasion!

A word to coaches. Of course you wish your team to win; but don't eat their dinners for them. The great thing is not merely winning but acquiring the power to win. Don't do too much for them. To help without weakening is no easy problem. But to win the cup is utterly insignificant compared with developing a great leader whose voice in future years will lead the hosts of human welfare to victory.

I desire to thank many who have assisted in the preparation of this bulletin, especially Miss Elizabeth Andrews, Secretary of Public Information, for valuable aid in collecting and preparing materials.

University of Oklahoma,  
September, 1924.

J. W. SCROGGS,  
Director, Extension Division.

## NATIONAL CHILD LABOR LAWS

The Act of 1916 (the Owen-Keating) forbade the transportation in interstate commerce of mined or manufactured goods in the production of which children had been employed contrary to certain specifications as to ages, hours, and night work. (Declared unconstitutional by the Supreme Court.)

The Act of 1919 imposed a tax of 10% on the net annual profits of any mining or manufacturing concern which has employed a child contrary to specified standards; in mines and quarries age limit 16; in factories, mills, canneries, and work shops limit 14 years; an 8 hour day and no night work (between 7 p. m. and 6 a. m.) for children 14 and 15. (Also declared unconstitutional by the Supreme Court.)

These two acts exhaust the power of Congress to aid in restricting child labor.

### Early Child Labor Laws

England 1819: "Cotton Mill Act"; prohibited children under 9 from working in the cotton mills; children under 16 limited to 12 hours a day.

England in 1831 prohibited night work for minors.

First American law against child labor passed by Connecticut in 1842. The first effective law in the U. S. was passed by Massachusetts in 1866. Society for the prevention of cruelty to children was organized under a state statute in New York, 1875.

Early in last century a physician in Leeds, England, protested against the niggardliness of hospital authorities for not furnishing enough supports for the bent bones of the deformed children of the cotton mills!

Quoted by Mr. McKelway from an unknown source:

"I heah de chillun' readin'

Bout dis worl' a turnin' roun'

Till my haid gits sorter dizzy

As I stan' upon de groun';

But let 'er keep a turnin'

If 'twill bring a better day,

When a man kin mek a livin'

While his chillun' learn an' play

Child labor in the family is not hurtful but beneficial.

**ACTUAL CONDITIONS**

Found by the Children's Bureau

**Coal**

The Children's Bureau has made two studies in coal-mining areas, one in a bituminous and the other in an anthracite field. The purpose of these studies was to secure information about the welfare of children connected with the production of this great public utility. This means not only child workers in the mines but also the children of fathers whose lives are bound up in the mines.

In a number of ways the mountain bituminous mining camp is like a frontier settlement. Many camps are literally in the wilds. Sometimes houses are crowded close together—but with as little sanitation as if the nearest neighbor were a mile away. In some camps, the drainage empties into the valley stream and from this stream comes drinking water. Houses are usually cheaply constructed and are soon in bad repair. A few camps, on the other hand, have been well built, with attractive houses, sanitary plumbing, paved streets, and pretty garden plots. Here the companies have acted on the principle that a strong, cheerful race of workers can not grow up from ugly and insanitary conditions.

The schools in the bituminous mining camps are often of the one room, one teacher-type, offering only five or six elementary grades. The terms are short; many of the schools are poorly equipt and many of the teachers are untrained. In camps which the Children's Bureau studied two-thirds of the pupils in the schools were failing to make normal progress for their ages.

The Children's Bureau also studied an anthracite coal-mining center with a population of 25,000 people crowded into half a square mile between hills. Nearly every foot of land was covered with houses. There were mines underneath the town and where the coal had been taken out the workings were not always filled in to support the surface. One house after another was giving way as the land caved in. The settling of the land had a damaging effect on the sewers and the water supply. All of this obviously isn't good for children. Out of every thousand babies born in this town one hundred and eighty-seven were dying in their first year. The death rates from bronchitis and diphtheria and croup were three or four times as high as in the United States registration area as a whole. The scarlet fever rate was twelve times as high.

Schools in this region for the most part were like the houses, small wooden buildings, frequently in bad repair. They, too, were undermined, in more ways than one. Half the boys 13 to 16 years old had left school and gone to work in the mining industry. One-fourth of the girls of these ages were doing some kind of regular work. Several factories had located in the town to utilize the labor of the miners' wives and daughters. The lower the fathers' earnings, the more children went to work at an early age.

The State law said that children below the age of 16 could not work in mines. As the law was being interpreted they could work "about" mines in such places as the coal breakers if they had reached 14. But accidents happen in the breakers as well as underground. They tower about the towns, great barnlike structure filled with chutes and sliding belts and crushing and sorting machines. The coal is raised from the mine to the top of the breaker and after being crushed it is carried down along a moving belt or incline and the boys pick out the slate and rock as the coal rushes past them. The black dust arises fills the air and the lungs of the workers. Under the recent Federal child labor laws the work of children under 16 was, in effect, prohibited both **in** and **about** the mines, and therefore in the breakers. But the Supreme Court has decided that the Federal Government can not deal with child labor unless the Constitution is amended.

### Child Labor in Canneries

Where do oysters come from? Almost everybody likes oysters and if you are a lover of sea food you probably also like shrimp. Let's take a trip down to the Gulf coast and visit some oyster and shrimp canneries.

The oyster boat comes in to the pier and a shovel on a crane begins to unload the catch into small cars. A whistle blows from the shed on the other end of the pier. It is only four o'clock in the morning but oysters do not keep. In a short time women and children of all ages appear from a row of barracks and shacks behind the cannery. The shed on the pier is the cannery and these are the workers coming from their camp. The oyster cars are pushed along the pier into a steam box where the steam partly opens the shells. Then they are run into the shed and the workers fasten containers to the sides of the cars and reach in for clusters of oysters. They break apart the clusters, open the shells with knives, and fill their cups with



oyster meat. They stand at their work, swaying back and forth with a rhythm which apparently enables them to work long hours and still keep up speed.

If shrimp picking is going on, the shrimp are iced instead of steamed, and spread on wire trays. The workers break off the heads with one hand and squeeze out the flesh with the other. A strong odor rises, and we notice that children and women are wearing gloves and dipping their hands in a tub of alum water, and that even with this protection the hands of some of them are bleeding. There is an acid in the head of the shrimp and also a sharp thorn which may run into the hand and break off. The floor is wet and slippery and strewn with piles of shrimp heads or oyster shells, and over this floor the babies crawl and children too young to work attempt to play. A two-year-old has had his hand crushed, falling in the path of the oyster cars, and others show cuts received from falling among shells.

For the majority of children work begins at an early age. There are exceptions. The mother of a girl of 9 tells us that this child hasn't gone to work because "her little hands are too tender." A big sister explains apologetically that her 7-year-old brother does not work because he can not reach up to the car to shuck. A child of 12 looks at us wonderingly, since visitors in this out-of-the-way place are rare, and she asks us, "Don't you ever shuck?"

Child labor seems to be taken for granted. In most of the cannery villages the school terms are short and the school attendance law not well enforced. Whenever a boatload of oysters comes in many of the children are at the cannery, though on days, when no boat arrives they may go to school. But like the boatman who told us he was sending his boy regularly, there are parents who make great sacrifices to give their children a better education than **they** have had. A "Louisiana French" mother has moved away from one canning village because it had no school at all. She says, "I want the children to get a good schooling because I never had any." Many others, however, can not see their way out of the vicious circle of poverty, child labor, and ignorance.

Illiteracy among these working children was widespread. Among the children between 10 and 16 years of age the percentage of illiteracy was 6 times as high as for children of the same ages in the United States as a whole. Many children of school age have never been to school. This is specially true

among the families brought to the cannery districts from the North. In the spring they return to the Middle Atlantic States and work till fall, perhaps in the corn and tomato and fruit canneries, where conditions are likely to be much the same as in the oyster canneries on the Gulf. No laws have as yet been devised to protect adequately these child wanderers. State laws do not cover the situation; the Federal Government has at present no power to regulate any form of child labor, according to Supreme Court decisions. An amendment to the Constitution to give Congress this power is now pending.

### Child Labor In Homes

Children working at 5, 6, and 7 years of age and upward; children of these ages working late at night; working at occupations which strain the eyes and blister and callous the hands. Not in factories—most States now have laws which would prevent that for children under 14—but on factory work in homes. These were the conditions which the Children's Bureau found in three neighboring New England cities. One of the cities is the most important jewelry manufacturing center in the United States. Another is a center for the making of cotton small wares and knit goods and lace.

Coming home from school with little playtime or with none at all, the children would go to work. Perhaps they carded glove—or dress-fasteners or shoe buttons or jewelry, or they worked at stringing tags or separating bands of lace held together by some threads. Easy enough work, it seems. But "you have to stay with it all the time or you won't make anything," one worker said. With a whole family working together, the older members doing the harder parts of the work and the little children doing the easier parts, the average earnings of each person were about 3 cents an hour. To earn one-half a cent at carding fasteners it was necessary to place a gross of them in cards. Very few small children, even though working at top speed, could make more than a few cents an hour. The knobs of the fasteners or "snaps" are put thru holes in the cards, and the tops are then snapt onto these knobs. The pressing down of the tops, hour after hour, is not easy for the tender thumbs of children.

Fingers are cut on the threads which must be drawn from lace. Rosary beads are linkt and wired with the aid of pliers, and the hands are left sore or calloused. In some homes machines had been installed and fingers were crushed or cut in using them.

So till 10 or 11 or 12 o'clock at night the children work. Of course the smallest ones fall asleep at work before this time. "Mary often works on carding jewelry until very late at night but Agnes goes to sleep on them and we put her to bed," a mother commented. Four or five nights a week, September until Christmas, a seven-year-old strung tags from half past five till nine—but "sometimes she fell asleep in her chair before nine," the report says. The gas light flickers overhead or a kerosene lamp supplies illumination. Many children said they had to begin wearing glasses after starting work on tags or beads or snaps or setting stones in small pieces of jewelry. Some times the whole family rise again at 5 o'clock to go on with the work. Stopping at the factory for more work on their way to school the children are likely to be tardy, and it is little wonder that teachers say they come to school worn out and listless. It is also little wonder that many of them are below their normal grades.

But in addition to the evils which the children suffered, a possible danger to the public health was found in the fact many families worked at home on these products during times when some of their members were ill with communicable disease. In the families studied at least 19 cases of tuberculosis were reported. One mother said her children carded and packed jewelry all the time they were ill with measles. Children who were kept out of school because they had whooping cough did tag stringing and thread drawing on lace. Among other diseases which the home-working families reported were pneumonia, typhoid fever, tonsillitis, influenza, mumps and diphtheria.

The experience of Massachusetts and New York in licensing tenement-house work and inspecting it indicates that mere regulation is not enough. To protect the children and the public health complete prohibition is necessary. In the State where this Children's Bureau study was made no regulation of any kind existed. Yet a large majority of the manufacturers who gave out home work said that prohibition of the practice would not harm their business since they all would be on the same basis.

#### Child Labor on the Farms

Census figures of 1920 show over one million children between 10 and 16 years of age gainfully occupied. Of these children more than 60 per cent were engaged in agriculture and related occupations. Almost one-third of a million child workers on farms were under 14 years of age. From the standpoint of numbers, at least, the most important form of children's work is

farm labor. These numbers are the more striking when we realize that this census was taken in winter when farm work makes its lightest demands. They become still more significant when we learn that the census takers did not count farm children as workers if they were merely doing chores in the house or on the farm, even tho they were not going to school. Many children were listed as neither going to school nor working. And finally the census did not report on working children under 10 years old, altho it is known that many young children work on farms.

Farm work is an important form of child labor not only from the standpoint of numbers, but also because of its effect on children's education. States with high percentages of child farm laborers have low percentages of school attendance and high percentages of illiteracy. The census has shown this both in 1910 and 1920. Farm work, even when it does not take children from school at an early age, often means poor school attendance and a short school term.

In two cotton-growing counties of Texas, where nearly every child over 10 had worked in the fields, the Children's Bureau found that more than a third of the children attending school had missed part of the term on account of farm work. This in spite of the fact in one of the counties the opening of school was frequently postponed until November or even December so that the children might continue cotton picking. Among the children included in a study of child labor on truck and small farms of southern New Jersey, absence from school reached high proportions. Two-thirds of the farmers' children had been absent for farm work 20 days on the average. Among the children of migratory workers found in the area for whom school records were available, the average absence for farm work was 43 days (over 2 school months).

Retardation is marked among child workers in agriculture. In the Texas counties 63 per cent of the white children and a still higher percentage of the colored children were behind the grades normally reached by children of their age. In the sugar-beet fields of Colorado 64 per cent of a group of working children whom the bureau studied were retarded. Among the New Jersey truck-farm children 57 per cent of the local and 74 per cent of the migratory workers interviewed had failed to reach the average grade for their years.

The Children's Bureau has made still other studies of children's farm work in North Dakota, and Michigan, Maryland and



Virginia, finding much the same conditions everywhere.

The problem of assuring an education to farm children is a serious one. Improvement of economic conditions for the farmer is an important preliminary step in the solving of this problem. Improvement of rural schools is another. Country children must have instruction more closely related to their environment than the course of study now generally given in country schools; they should have more adequate school buildings, better paid teachers, and modern equipment. Because parents who do not always see the value of education for their children there must also be strict enforcement of the compulsory education laws.

## EXPERIENCES IN CHILD-LABOR LAW ADMINISTRATION

### How a National Child-Labor Workt

The passage of a child-labor amendment giving Congress power to protect working children would not present a new administrative problem to our National Government. In 1916 Congress passed a law which forbade any mill, cannery, workshop or factory to ship its products outside the State where they were made, if it employed children under 14 years of age, or if it employed children under 16 at night or more than 8 hours a day or 6 days a week. The lowest age for work in mines was made 16. The Supreme Court finally held this law unconstitutional, but for nine months it had been administered by the Children's Bureau of the U. S. Department of Labor, and some things were learned from the experience that are worth telling.

It was decided in the first place that as much responsibility as possible should be left to the State officials. Public hearings were held at Washington and standards of administration were agreed upon. In States which measured up to Federal Standards, the State certificates of age for working children were accepted by Federal officers and State officials charged with the enforcement of State child labor laws were given official recognition in the enforcement of the Federal Act. But in a few States the Federal authorities found it necessary to carry on the entire administration, from the issuance of age certificates to inspection of the mills and mines and factories.

When the Children's Bureau agents came, at the request of employers, to pass on the evidence of age submitted for children

who desired to work, they had varied experiences. Birth registration is still inadequate in many parts of the country, and so in these sections children can not produce birth certificates. The commonest evidence they presented was the record in the family Bible. Sometimes it was evident that the record had been changed to make the child's age greater than it really was. One child brought a Bible with a part of the page cut out, and a birth date written in below the names of her younger brothers and sisters, indicating that she was 14 years old. The ink was hardly dry. Sometimes it was still possible to see the original record after an attempt had been made to erase it. But there were others it was very hard to tell whether the record was genuine or not. Some Bibles had no date of publication. There were entries in lead pencil; entries so badly written as to be illegible; entries made in many kinds of writing, by any neighbor who could write.

Another kind of evidence which was offered, but which was found to be unreliable, was the age given on insurance policies. Sometimes the age was different on each of two or three different policies for the same child. One mother offered a policy which showed her child to be under 14. When her attention was called to this fact she said, "Think of that, lady; I gave you the wrong one" and presented another policy which showed him to be of legal working age. Again and again when permits were refused because the policies showed the children not to be 14, the parents later brought what they described as "corrected" policies on which they had had the companies change the age. Frequently a mother excused the error on a policy by saying that her husband had taken it out for the child, and "of course he could only guess at the age."

State and Federal experience in the issuance of work permits has demonstrated that it is not safe to rely on the affidavits of the parents as proof of age. They do not always realize the importance of having their children stay in school instead of going to work, and the law should protect the interests of the child. In addition to fulfilling an age requirement a child should at least have completed the elementary grades at school, and a doctor should examine him to see that he is well enough physically to permit his entering employment without physical harm.

Even in some States having good laws the Children's Bureau found that the State law was not enforced or was variously interpreted in different parts of the State. The forms used as work

permits in the towns of a single State were of every size from legal cap to small scraps of paper. The school superintendents were supposed to issue them, but many children were at work with "papers" they had secured from other persons. For example in one city the mayor had written a note which read, "This is to certify that (Mary Jones) says she is 16 years old. My consent is hereby given (her) to work."

The study of child-labor conditions in this State was made by the Children's Bureau just after the first Federal child-labor law was held unconstitutional. The bureau made a number of studies at this time, not of course under the power that the special law had given it, which was then removed, but under its permanent authority to investigate and report on the welfare of the Nation's children. In the course of these investigations, the agents of the Children's Bureau found that almost half the eleven hundred establishments they visited, in 21 States, were violating standards of their own State laws. It was clearly shown that thousands of children had been dependent upon Federal regulation for their only safeguard against premature employment and long hours.

A striking example of the need for a country-wide standard was found on the border of a State whose requirements were very high. In an adjoining State children were allowed to work for longer hours and at an earlier age, so that many children from the first State who were not allowed to work at home, crossed the river on the ferry and secured employment in the other. Manufacturers in the State with higher standards bitterly complained of this, and citizens who wished to see the children of their State protected had no way to overcome the evil. Many similar examples could be given, especially in connection with the seasonal industries for which whole families migrate from one State to another.

In 1918 Congress passed a second law taxing the profits of establishments employing child labor, which had the effect of lessening the employment of children. In 1922, however, the Supreme Court held this tax law unconstitutional. Today there is no National child-labor law.

The decisions of the Supreme Court have made it clear that the Federal Government has no power to deal with child labor under the Constitution as it now reads. A number of amendments to the Constitution to give Congress such power have therefore been introduced. Hearings on the amendments have been held before Senate and House committees.

Results of the first two National child-labor laws indicate that the advantages of our Federal form of government can be preservd, and at the same time the interests of the children can be safeguarded, if a National **minimum** is fixt by Congress, and if the States also have the right to protect their children by laws even better than those which Congress may adopt.

The Chi'dren's Bureau has prepared a pamphlet in response to many calls for information, answering questions on the status of child labor. It is illustrated with a number of maps and charts, showing how far each State measures up to the best modern standards. It is calld "Child Labor in the United States: Ten Questions Answerd". It will be sent free of charge to anyone addressing the Children's Bureau, U. S. Department of Labor, Washington, D. C.

### CHILD LABOR—A BLOT ON AMERICAN CIVILIZATION

By J. St. Clair King

In Current History, September, 1924

In December, 1906, the first proposals for a Federal law to prevent industrial exploitation of children were made in Congress by Senator Beveridge of Indiana and Congressman Herbert Parsons, who introduced bills to "prevent the employment of children in factories and mines." In addition, Senator Lodge sponsord a measure designd to "prohibit employment or children in the manufacture and production of articles intended for interstate commerce."

Ten years later, on Sept. 1, 1916, the first child labor law was adopted with the provision that it should become operative one year later. Under its power to regulate interstate and foreign commerce Congress sought in this measure to close the gate to products of child labor. Three days before the act went into effect the United States District Attorney in the Western District of North Carolina was enjoind from enforcing it. Federal Judge Boyd, in the interests of the Southern cotton mills, ruled that this law infringed upon the constitutional right of contract—specifically, the right of a father to contract the labor of his children. (A North Carolina father had been induced to make representations that he could not make a sufficient livelihood without the earnings of his little children, whose labor was forbidden by the 1916 law.) This decision drove thousands of children back into the cotton mills and factories.



On July 3, 1918, nine months and three days after the law had been in operation, the United States Supreme Court, in a five-to-four decision, affirmed the district court's decision that the law was not a legitimate exercise of Congress's power to regulate interstate commerce, and was, therefore, unconstitutional.

Following this decision, Congress, on Feb. 24, 1919, enacted, as part of the 1918 revenue act, a provision for a 10 per cent, tax on the annual net profits of certain enumerated establishments which employed children in violation of age and hour standards laid down in the act. This law became operative April 25, 1919, and continued in effect to May 15, 1922. Because of this law, 150,000 children gained their freedom. The United States Supreme Court, however, declared this law unconstitutional, "an abuse of the Federal taxing power," and as a result these children were driven back into the mills. The cleverest and ablest lawyers in Congress have been unable to devise a law that can win the sanction of the Supreme Court. Since these Federal child labor laws have been declared unconstitutional, the Federal Government has no jurisdiction over employment of children in the United States, and the only possible regulation can come thru an amendment to the Constitution specifically granting Congress the power to pass laws regulating the employment of children. Such an amendment, which will take two years or more before it can become effective, is the only hope, the only salvation for these little ones, to tear down the judicial barrier which keeps our children out of school where they can obtain their precious education and enjoy the privileges of childhood and enjoy playtime. Our national and state forests are guarded against fire and every other danger that might result in the loss of a single tree. Game laws protect our finned, furred and feathered neighbors in every State of the Union. The minions of law stand guard over the beasts of the field to protect them from abuse, danger and disease, but the vast army of frail, poverty-stricken children, accidents in the great drama of life, who are continually being ground to death between the upper and nether millstones of capitalistic greed and political corruption, have little or no protection at all.

### **Constitutional Amendment**

In June, 1924, the United States Senate, by a vote of 61 to 23, approved the child labor amendment. The House of Representatives had already adopted the resolution. The amendment will now start on its long journey of the State Legislatures. Three-fourths of them, or thirty-six of the forty-eight, must approve the amendment before it becomes law. Arkansas, a South-

ern state, was the first State to adopt it. In this case the merits and necessity of Federal legislation are clear. It is a well-known fact that in many of our States the rapacity of mill and mine owners and the selfishness of parents who live from the toil of their children control the State Legislatures. The only sincere objection advanced is that too much power will be given the Federal Government. Most of us do not want to see any more power centered in far-off Washington, run as it is run today. The failure of the State child labor laws to prevent widespread employment of children is not due to so much a low standard as to numerous exemptions permitted and an inadequate enforcement of the law.

According to Miss Grace Abbott, Chief of the Children's Bureau of the United States Department of Labor, 1,070,000 children between the ages of 10 and 15 years were employed in the United States in January, 1920. In the last four years this figure has been augmented greatly. Taking the 1920 figures as a basis, one child in every twelve in America between the ages of 15 and 15 years is gainfully employed. One in every eight at this age of 14, and one in every five at the age of 15 is in a quarry, mill, factory or on a farm. According to Miss Abbott, children at the ages of 5, 6 and 7 years work late at night at occupations which strain the eyes, blister and callous the hands. This labor is not performed in factories—most states have laws which prevent this for children under 14—but on factory work at home. This condition exists in the most important jewelry manufacturing center in the country and in cotton, small wares, knit goods and lace.

The authors of the Constitution were not very explicit, but somewhat extreme, when they said: "All men are born free and equal." Of course, this is not true. It could be true, and it should be true, that all men are born free, and in some respects, at least equal. If the tests be applied physically, mentally or morally, we find that some are physical weaklings and others equipt with every physical endowment; some are mental giants in the field of intellect; some are moral perverts, slaves of their own evil propensities—perhaps unavoidably so—and others are strong and practically immune to the evil forces that constitute a part of every man's environment. This, however, was not the thought in the minds of the constitutional fathers, but rather that every man is free and equal in his relation to society. In this latter respect men are not free; in this respect they should be equal. Is the child born under the burden and blight of repellent poverty who is forced into the sweatshops and mills at the age of 10 or

12 years as equal in his relation to society as the child of the sweatshop owner or mill owner who is placed in a private school where he may have all the advantages of proper education, environment and associates? Is he as free?

### 5,000,000 Tubercular Children

According to the tuberculosis department of the American Red Cross, there are in America 5,000,000 children most of whom are or have been workers when they should have been under the care of a physician with medical attention and fresh air, suffering from malnutrition. Add to this the untold millions who eke out a bare existence, living from hand to mouth, without any chance of laying by for the days of physical incapacity due to ill health or old age, and this army of poorly fed, under-nourished, scantily clad, becomes a great black cloud on our national horizon that threatens disaster to future generations as well as a shameful stain upon the escutcheon of a nation of boasted plenty, generosity, freedom equality. When the underfed, neglected, poorly housed and improperly clad child is forced into the mills and factories as a living sacrifice to the great god Moloch, he is handicapped at the very start; he has not an even chance with which to begin life. While still in his infancy a yoke is laid upon his after years, and he is doomed either to die in early youth or to live and grow up puny, weak and emaciated, both in body and in mind, inefficient and unfitted for the eternal struggle for bread. Our prisons are filled to overflowing with these children.

The problem of the child is the problem of the race, and science more and more emphatically declares that almost all problems of physical, mental and moral degeneracy originate with the child. The physician traces the weakness and disease of the adult to the defects in early childhood. The penologist traces moral perversion to the same cause; the pedagog finds the same explanation for his failures. Thus it is that poverty, the cause of child labor and the parent of physical and mental and moral weaknesses, of illiteracy, ignorance, crime, vice, misery, degradation and shame, bind their defenseless, unfortunate victims, body, mind and soul, in bonds of slavery a thousand times more cruel, more unjust, more merciless, than those that bound the black slaves of the South a few years ago. Poverty, this grim, stalking monster, the disgrace of civilization, is followed in its wake by death, and each year an army of 90,000 children fall victims to the god of greed, whose agent poverty is. Poverty, a product of monopoly, excessive taxation, high tariff, private control of the

necessities of life, political graft and all the base schemes of war that maniacs wage for gold, assails the child—the child who is the nation's most valuable asset, this poverty is neither of the child's own making nor choosing. It is imposed upon him by the lords of high finance thru their most valuable, reliable servant, modern politics—politics in the hands of corrupt politicians who, thru lobbied legislation, make it possible for their moneyed masters to live immune from prosecution, in spite of their high-handed robbery and exploitation. This is not socialism, or any other "ism"; it is a statement of plain facts. Indigence or poverty on a large scale is a menace to the welfare of any nation, and in spite of the much vaunted and hearded prosperity indigence and poverty abound in America. At the door of modern politics lies most of the blame.

#### • Employers' Opposition

For years the employers of child labor have successfully fought legislation affecting the welfare of child laborers. These men, money mad, do not sit in our legislature halls and make our laws, but they maintain high-priced lobbyists for the purpose of influencing legislation in favor of the interests and industries they may chance to represent. East, West, North and South, the army of infant toilers labor on because our present political system makes it possible for capitalistic greed to dictate the policy of our Government, Federal and State, and to influence legislation favorable to their own selfish interests. It is obligatory that this Government give to its future generations every chance for health, liberty and happiness. If we fail to adopt an amendment to our Constitution that will set these children free, we have acknowledged that the United States is entangled in the red tape of an outworn political system of legislation, that our Government is impotent to protect its own childhood, and we should renounce our claims to a place among the civilized nations of the world.

A. J. McKelway: "10 years before the cotton gin the South exported 1200 lbs. of cotton to England. She was manufacturing more than New England, and protested against British and New England slave trade. After that invention the first cargo of cotton was seized on the ground that so much cotton could not be produced in the U. S. We see how profitableness of slave labor in the South and its unprofitableness in New England revert the attitude toward slavery."



**A CHILD LABOR BUREAUCRACY**

Ex-Senator Thomas of Colorado

In this emotional age, where clear thinking is a lost art and consequences are seldom considered or cared for, the pending child labor amendment to the Constitution will probably receive due congressional approval. Any dispassionate discussion of the subject is therefore apt to receive scant consideration if indeed it escapes the reproach of reaction. To be opposed to any feature of modern social, political, or economic reform, or to be lukewarm toward it is to invite the reproach of conservatism than which in these feverishly progressive days there is no deadlier sin.

Fundamentally, it may, I think, be assumed that the labor of children is not objectionable. As contrasted with idleness, it is vastly to be preferred. A child with idle hands and normal energy rapidly develops mischief. If unrestrained, he generally becomes morally delinquent. If he is both restrained and forbidden employment, his condition is a pitiful one. He may be taught in the schools for part of the time, but he can not be instructed all the time, for that would be exploitation on other lines. His is the formative period of life. Being human, he is naturally indolent. Work is naturally irksome; and, generally speaking, the child works under compulsion. This compulsion, properly and intelligently exercised, will establish the cult of industry with which thrift, integrity, obedience to the law, respect for the rights of others, and the value of property honestly acquired are inevitably associated. The Huck Finns and criminal delinquents of the juvenile world are invariably the idlers, whose energies are misdirected, to their own undoing and to the demoralization of companions remaining too long within their spheres of activity. "Train up a child in the way he should go, and when he is old he will not depart from it," saith the Scripture; a profound truth, heeded until recently by all enlightened and Christian peoples. Its disregard, now painfully evident, may involve the ultimate extinction of our social and political systems.

As a boy I was required for a number of years to work on the farm for a living. My hours were from sunrise to sunset. It was nerve-racking and wearisome, but I do not recall that it harmed me particularly. And I risk nothing in asserting that the majority of Senators now in office were required to work as children, with profit to their parents and benefits to themselves. Some of them, I doubt not, supported themselves in whole or in part by their labor.

Not child labor, therefore, but its exploitation, is the evil to be exorcised. All work and no play makes Jack both a dull boy and a machine, unhealthy, stunted, inefficient, short lived, and bestial; just as all play and no work make a mere toy not only, but a parasite, a loafer or a criminal, or all of them combined. The one status is no antidote for the other. Yet the pending amendment, or the propaganda for it, proceeds largely upon that theory, just as instruction in sound morality has been tabooed in the public schools lest the teacher tread upon the toes of some religious denomination more concerned with dogma than with conduct. The child deprived of such instruction is not the beneficiary but the victim of a policy as vicious as it is apparently unchangeable.

It is contended that parents are responsible for child exploitation; hence the State must become its guardian and protector. The statement is perhaps true to some degree, but parents are also largely responsible for juvenile delinquency. Shall we then, by another amendment, invest the central authority with exclusive jurisdiction over that evil? On the other hand, many children, even as those of former generations, spurred by similar ambitions, all of them commendable, persist in working; some of them preferring it to instruction at the schools. Shall we curb these and bring them to the dead level of the whole, that some parents may be prevented from making merchandise of the earning power of their offspring?

The administration of criminal justice in some of the States is scandalously inefficient and socially demoralizing, while municipal government has so long been a stench on the public nostrils that its sense of smell has atrophied. Is the remedy to be found in the transfer of criminal and municipal activities to Federal administrative bureaus?

To say that these matters possess no element of nationwide interest and should therefore remain within the province of the State authority is to beg the question. For it is equally true of child labor and of education. If these possess the general welfare feature to a degree requiring Federal control, the others do also. The national aspect, if it exists at all, is due to the fact that the evils complained of are peculiar to no one State, and if that be so, it must follow that every error or abuse, either in law or administration, affecting masses of people and common to all or a part of the State federation, should find its cure or control in a transfer of jurisdiction from the States to the National Government. The vital concern of the Nation in the physical and

mental status of the individual who, under the fourteenth amendment is a citizen of the United States, and its insistence that the Welfare of the Republic should not be jeopardized by the impotence or derelictions of the States, should be equally aroused in his behalf, whether the fault lies in the direction of child labor, education, crime, municipal rottenness, hygiene, or marriage and divorce. Exceptions are illogical, if not odious, and we may be sure that fanaticism and misdirected zeal will, with perfect propriety, be applied in the end to every function of State activity before the crusade, if now successful, shall have ended. The remaining fragments of State control will inevitably tempt the palate of the reformer, who easily passes from things accomplished to things yearnd for.

And inasmuch as each successful invasion of State control means another bureau with another staff of Federal officials installed for life as pensioners of the Public Treasury, he will have reason to expect a successful outcome of his efforts. That inspires him to attempt other conquests. Such has been his history since the thirteenth amendment was evolved from the events of the Civil War. From the cause of juvenile immunity from labor he will progress thru that of adult immunity from toil exceeding six or eight hours a day, and from casualty and disease to the subjects of ventilation, light, heat, recreation, standardization of machinery, racial and sex exclusions, the closed shop, domestic relations, prison discipline and sanitation, municipal government and the regulation of descent. It will matter not that these subjects are amply provided for by local laws, some of which have been in existence for a century or more. These will be attacked as antiquated or inoperative, or out of harmony with the advanced liberalism of the present. Everything indeed which appertains to American industry or sociology will be ticketed, regulated, and prescribed by constitutional amendment and administered by Federal commissions *ad libitum*. The Constitution will thus be transformed from a great organic charter of general powers and limitations into a code of laws and procedure.

One enthusiast calls this movement "progressive humanitarianism"; a polysyllabic designation of what logically extended must ultimate in economic paralysis.

Virtually every State maintaining a manufacturing industry has its legislation regarding child labor. Whether this was due to State initiative or to the pressure of public opinion is of little concern. But it is reasonably certain that this sentiment will soon make local regulation of the subject a feature of State laws every-

where, just as the code of civil procedure originating in New York justified its establishment and then spread across the continent, and just as agitation of the subject has required the introduction and installment of safety appliances, sanitary conditions, and hours and means of recreation.

These facts are, of course, conceded, as they must be. But it is charged that State laws concerning child labor are not always enforced, and that State authority is apt to be unsympathetic with or hostile to them. Here again is the old contention that indifference, or incompetency or dereliction in State administration justifies if, indeed, it does not require national intervention; that the Federal power in such case thrust the State aside and itself assume the discharge of the duty. This was one of the late Colonel Roosevelt's articles of faith. If it be sound, its operation should not be limited only by the local delinquency. It should be applied all along the line, and that would wipe the States from the political map altogether, both those which have sinned and those which have kept the faith.

This argument, if it may be so dignified, presupposes a Federal efficiency which unfortunately is nonexistent. Efficiency seldom breathes the atmosphere of bureaucracy, which is the Federal method of administration. It has grown during the past 25 years like weeds in a neglected garden. If we except the Bureau of Standards and other scientific and marine organizations from the indictment, we may fairly charge that inefficiency and extravagance are the bureau's common characteristics. Most of them are overworked at the top and overcrowded below. They are asylums for the lame duck and hunting grounds for the place-man. And their cost exceeds that of the entire Government in 1914. At its worst State administration of child labor laws will compare favorably with that of the Federal bureaucracy. The fault is not so much with men as it is with systems. Moreover, one is justified in assuming that the treatment of an evil by the locality where it appears is more apt to be effective than that which is applied by a system originating with another organism, national in its scope and operating by machine methods from headquarters in Washington. And it is far less burdensome to the taxpayer.

The evil is likewise exaggerated as was the treatment accorded the negro by his owner in antebellum days, when the slave driver and the slave speculator, if we are to credit the hysteria of that period, overworked, underfed, and inflicted brutal punishment upon the helpless victims of the damnable institu-



tion until outraged nature relieved them by death from unbelievable torture. But men do not in general treat their property that way. Selfishness would operate against it if humanity were silent. Nor do parents in general mistreat their children. The exceptions are being made the rule in the interest of a cause.

Mr. Atwood recently declared that American history for the past 50 years has largely consisted of a succession discredited remedies. His statement is verified by the outcome of virtually every reform movement punctuating that period. The evils aimed at have seldom been mitigated much less suppressed. Most of them are quite as apparent as ever, while the cost of their experimental treatment has been prodigious. Let a single example suffice. The Interstate Commerce Commission was created in 1887 to restrain railway aggressions, arrest their consolidation, establish better service, enforce competition, prohibit discriminations, reduce rates, and therefore the cost of living. Few, if any of these ends have been realized. With public opinion now behind it, the commission encourages and seeks power to compel consolidations, regards competition as an unmixed public evil, and altho it regulates and establishes rates and other phases of operation, results are more unsatisfactory than were the evils which calid the commission into being. Rates have more than doubled; service has not materially improved; many lines have been scrapped or abandoned. But public clamor, ignoring the lesson which these conditions should teach, more loudly than ever vociferates its demand for both added regulation and public ownership. This clamor may be gratified with results yet more deplorable.

But these bureaucratic miscarriages do not affect bureaucratic vitality. Remedies may become discredited but they are seldom discarded. Once established, a bureau, like Tennyson's brook, goes on forever, with an ever-swelling volume of retainers and of expenditures. What wonder, therefore, that we are now governed by 3,400,000 civil servants—National, State and Municipal—who burden the taxpayer with an annual charge of \$3,800,000,000. Shall we add to their number at this time whatever the appeal or the asserted need?

The indolence of our youth is a most sinister evil of the time. It stimulates the misdirection of purpose and of energy. The appalling increase of crime, and especially crimes of violence, challenges our apprehensions. Most of it is the work of young people of both sexes between the ages of 16 and 23. Freed from home influences and the restraint of the classroom, following no occupation and caring for none, unhindered in their quest for

excitement and diversion, undisciplined in morals and virtually encouraged to abstain from toil, why wonder that they chafe under the curb of law and authority, defy the obligations and usages of society, and help themselves with claw and tooth to what seems the good things of life with little regard to the rights or the security of others? Why follow the respectable but prosaic life of the tradesman or the mechanic, whose thrift and industry they despise and whose accumulations may so easily become the spoil of adventure?

Compulsory idleness of the mass of childhood because some children are put at work too young or kept at work too long will, I fear, swell the ranks of the dissolute. Only the sober, hard-working people, sheltered by protective government and made secure in their lives and their belongings by the prevalence of those homely virtues which spring from temperance, industry, respect for order, and obedience to law endure through generations. They neither give license to their children nor relieve them from the reasonable exactions of labor, save to their ultimate undoing. Better for us and far better for them that we should continue to "walk in the ancient ways, keep in the old paths, observe them well, and be not given unto change."

We live in an age where legislation has become a fetich. We are trying to make men and women moral and God-fearing by multitudinous legal amendments. For every economic ill we encounter appeal is made for relief to the lawmaking authority. This impulse to eradicate evil by statute prompts intelligent and even thinking people to stage many reforms. Most of them are inspired by the best of motives. Apart from the fact that man was never yet made good by human law is the reflection that mushy sentimentalism, however sincere, supplies a poor foundation for practical and permanent reforms. Yielding to its demands for nearly 50 years, we have virtually ceased to be a self-governing people. We are under the dominion of the bureaucrat, whose rules and regulations, having the force of law, equal in bulk and in detail the United States Statutes at Large. These cover nearly all the economic, social, and political activities of the citizen, who must, at his peril, regulate his calling and his conduct by them. They obstruct his business, trammel his freedom, disturb his substance thru life, tax his coffin, and then pillage his estate. This is not democracy. It is not representative government. If it does not display the physical aspects of tyranny, if it is the mildest, it is also the most searching of despotisms. Goethe was right when he said that there is no more

terrible thing in this world than energetic ignorance.

A standing rule provides that Washington's Farewell Address shall be read to the Senate upon the 22d day of February of every year. I conclude this too lengthy note with the warning of the Father of his Country that "toward the preservation of your Government it is requisite that . . . you must resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect in the forms of the Constitution alterations which would impair the energy of the system and thus to undermine what can not be directly overthrown." The wisdom of this sentiment is strikingly illustrated by the amendment under discussion, which is only one of a brood now pending before the Judiciary Committee.

### HATS OFF TO ARKANSAS!

Editorial, Good Housekeeping

The procession of the states has started, going in both directions. Arkansas leads going up hill, Georgia going down. Friday, June 28th, the House of Representatives of the former state ratified the Child Labor amendment, and the Senate followed suit on Saturday. The bill was promptly signed by Governor McRae, who thereby gave his state the distinction of being the first to speak out boldly for the children who toil. This action on the part of Arkansas is particularly significant, in view of the fact that the state is so largely agricultural, for it is being claimed that the amendment will deprive farmers of the services of their children. The argument is absurd, of course, and its failure in Arkansas should serve to weaken it in other states. The supporters of the bill in the House were ably led by a woman member, Miss Erle Chambers, who moved the adoption of the amendment.

Editorial writers have expressed surprise at this prompt ratification by a state which they chose to call backward. It is backward in many respects. It has no large cities, and only three that reach the ten thousand mark. Many of its so-called towns are "merely little clots where a handful of people huddle." Its population of less than two million is widely scattered over rural districts; beyond the prosperous and educated communities the state rambles off into farm land, lonely mountain fastnesses, swamps, and wilderness. Negroes and "poor whites" abound. And yet in spite of this condition perhaps because of it the

state of Arkansas is making history in the way it is looking out for its children. It is doing this thru its Bureau of Child Hygiene, which was established by the women of the state. Sarah Comstock says of them, "They rose as one to the rescue of the children, . . . and the battle that they have fought is one of the proudest stories of the larger motherhood that any state has to its credit." Miss Chambers' support of the Child Labor amendment shows that the "larger motherhood" is still militant, and when the full story of Arkansas is known there will be less surprise over the fact that she led the states in ratifying the amendment.

In other words, Arkansas did what those who know her best expected her to do. And so did Georgia. Dr. Wiley tells of an experience that illuminates this state's refusal to approve a plan for keeping children out of the mills. During the period from 1890 to 1900 Dr. Wiley was director of the sugar laboratories of the United States Treasury, and had charge of the testing of important sugar for the purpose of fixing the tariff. The testing instrument is known as a polariscope. Presumably any two such instruments are alike to the fraction of a degree, and yet almost invariably the polariscope of the seller indicated more sugar than did the polariscope of the buyer. Pocketbook interest was the affecting element. Georgia has 89,000 child workers between the ages of ten and fifteen, most of whom are employed in cotton mills. A ten-hour working period is permitted, and the mills may run at night. In order that the children may not be hindered in getting on in the world, boys of twelve—"if they are orphans"—may work in cotton mills. The warning is plain enough: parents who wish their children protected should not die in Georgia. The argument that settled the fate of the amendment was the old one of states' rights, and the most effective speaker seems to have been the one who made the following declaration: "I don't want any more monkeying with the buzz saw by that bunch in Washington. We don't mix nohow. We weren't born under the same regime and don't drink out of the same bottle. We don't want them interfering with our affairs." Georgia might as well know soon as late that it is one of the states at which national child labor legislation is aimed and one that makes the amendment which it has rejected absolutely necessary.



### Georgia Rejects

Georgia has rejected the Child Labor amendment by the following vote: Senate, unanimous; House, 170 to 3. The following resolution was adopted by the Senate as explanatory of the action:

. . . Because the said proposed amendment would destroy parental authority and responsibility thruout America; would give irrevocable support to a rebellion of childhood which menaces our civilization; would give Congress, not only parental authority, but all state authority over education; would destroy local self-government; would viscerate the states and change our plan of government from a Federal Union to a consolidated republic and create a centralized government far removed from the power of the people. . . . It would place in the hands of Congress a power to destroy agriculture and manufacturing at will; it is merely a hypocritical pretense at an effort to protect childhood from slavery, and is really intended to enslave the childhood of this republic.

The State of Georgia has neither the right nor the power to give to Congress the power to limit, regulate or prohibit the labor of Georgians under 18 years of age, or of any age, because such power reestablishes in America a system of slavery with public ownership substituted for private ownership, and would place Congress in control, in every home in the land, between parent and child.

The last census,—1920—showd several hundred thousand children employd in agriculture were working for other persons than their parents. Many were under overseers unrestrained by any laws. Some parents are brutal; many are selfish or unloving. It is the fate of such children that cries to heaven. To those who hear that bitter cry quibbles about constitutionality and state rights are exasperating. No evil is greater, no evil can be greater than the abuse of growing children. The nation that will not protect them deserves to perish

In the Manhattan branch of the New York criminal court, one-tenth of the children were working children. Yet this one-tenth furnisht 63.2% of the cases in the juvenile court; the remaining nine-tenths furnishing on'y 36.8%. This demonstrates the moral effects of child labor.

Many children have to work so their fathers may loaf

**H. W. SUMNERS, TEXAS**

Extracts from Speech in Congress

This is not a proposition to deal with industries and with commodities, but to deal directly with persons. It is a proposition to delegate to the Federal Government the most general of the police powers heretofore reserved to the States. Indeed, it is the most comprehensive and intimate of all the powers of government. It sends the power of the Federal Government into the precincts of every home. The judgment and the mandate of the Federal Government thrusts itself between the parent and the child, and the control of the parent over the labor of his or her own child until 18 years of age is subject always to the Federal

power. In the practical operations, if a law follows this amendment effectuating it, the judgment of some bureau employe will control in the home as against the judgment of the father and the mother that nurtured the child and brought him along in the process of his development. If the good old-fashioned father believes it is essential to the development of his child that he shall learn responsibility, that he shall learn to work, that he shall learn to lift the burden from the shoulders of the old man, and the bureau employe does not think so, the judgment of the bureau employe by the mandate of the Congress will control. Nobody can controvert that.

Why, gentlemen stand on the floor of this body and look you men in the fact, and offer the argument in favor of granting this power that the Congress will have too much sense fully to effectuate it. That is a great proposition, is it not?

We are not only dealing with the fundamental law of the Nation, but we are dealing with the government of the home. This is a power too far-reaching and too delicate to entrust to any bureau employe of the great Federal Government except in the presence of a great necessity, except in the absence of some governmental agency closer to the people than the Federal Government is. My good friend whose name is attached to this resolution, by the very terms of that resolution, brings solemn indictment against the States and the people of the States charging that there is not enough manhood and humanity and interest in childhood in the States and among these people to take care of the most priceless asset this world ever had.

I quote from the testimony of Miss Grace Abbot, chief of the Children's Bureau, United States Department of Labor, given

at the hearings before the Judiciary Committee, page 18 of the hearings:

At present, a minimum age for work in factories has been established in all except in three States at 14 or over. \* \* \* There has been a tendency to establish a special minimum for mines, which is 16 in more than half of the States. But four have a higher minimum than that, and some have lower minimum. (P. 18).

\* \* \* The prohibition as to night work for children is also quite general; 35 States and the District of Columbia prohibit children under 16 years of age from engaging in night work in factories and stores, the prohibition often extends to other employments. In some of the States, however, exemptions are allowed.

The matter of the weekly hours of work for children has been a subject of regulation and most of the States that have an 8-hour day prescribe today a 48-hour week, with one State, Virginia, leading in this respect with a 44-hour week for children 14 to 16 years of age.

\* \* \* Twenty-two States make an examination by a physician mandatory before a child may receive his working certificate. In seven others, and the District of Columbia, the examination may be required only if in the opinion of the certificate-issuing officers it is considered necessary.

\* \* \* The 28 States that meet that minimum age as inclusively as did the Federal child labor act are: Alabama, Connecticut, Florida, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, West Virginia and Wisconsin.

Fifteen other States have certain exemptions. Thirty States meet the requirements as to work period per day. Twenty-six States meet the Federal law as to night work. Eleven others have certain exemptions, and 11 fall below.

The last census showed the total number of children 10 to 15 years of age reported as engaged in gainful occupations in 1920 was 1,060,858. It was shown that 647,309 of these children were engaged in agricultural pursuits.

I quote a paragraph from a letter written by the Director of the Census Bureau to the chairman of the Judiciary Committee of the House under date of March 18, 1924.

It is generally recognized, of course, that the great majority of the children reported by the Bureau of the Census as engaged in agricultural pursuits probably was not, as a fact, working with any high degree of regularity or continuity. Of the 647,309 children 10 to 15 years of age reported as engaged in "agriculture, forestry, and animal husbandry," in 1920, 569,824 or 88 per cent were farm laborers on the

home farm, and it is very probable that a majority of the remaining 77,485 worked either for, with, or under the direction of their own parents. The work of these children doubtless varied from a few weeks or months work each year to regular employment thruout the year.

With regard to children between 10 and 15 years of age, inclusive, in nonagricultural pursuits, the census of 1900 showed a total of 7.1 per cent; 1910 5.2 per cent; 1920, 3.3 per cent, a reduction of 1.9 per cent during each of these two decades. In 1900, of the total workers engaged in nonagricultural pursuits, Children 10 to 15 years constituted but 3.7 per cent; in 1910, 2.2 per cent; and in 1920, 1.2 per cent.

It is to be borne in mind that this is the record of the achievement of the States and the people of the States. In 1916, according to the Tenth Annual Report of the Chief, Children's Bureau, Department of Labor, only two nations, Norway and Switzerland, had adopted the 14 year age minimum. "Now nearly all the civilized western nations afford the children this protection."

These exceptions are not as important as the number of States to which they apply would indicate. For instance, there are two States which have no minimum age for children in factories and stores, but those two States are Wyoming and Utah, which States, in all probability, have not provided an age limit because no necessity exists by reason of the non-employment of children in factories and in stores.

Who advances the States? How do they advance? What do these advances indicate? What benefit besides that of protecting children as to labor comes to the community and comes to the children as they make progress? This progress is not easy. They have to struggle. That is the plan of life. These difficulties are God Almighty's gymnastic paraphernalia provided for the development of the races of men. And when you run from them and turn over the power and responsibility even in part, you do just as foolish a thing as an athlete seeking to train himself in a gymnasium would do if he threw the paraphernalia or a part of it out of the window. What was it that made the pioneer great? Was it a lot of people telling him he could not do anything and let us help you do it?

Was that what made them great? It was the challenge of necessity, the inspiring of confidence in themselves. You make anyone cease to believe in himself and you have destroyed him. Do these Federal bureau employes go out to the people and say "You can do it; you are all right, you are doing fine?" In the



last report of the Children's Bureau they say that during 1923 "only eight States made progress," "Only"! The whole psychology is found in the word "only." That shows the viewpoint. They are looking from the top down. They are sent out to tell the people what to do. The people do not do it quickly enough. They want the power to force them to do. That is government from the top downward. If they had believed in the people, if they had hope in the people, if they were willing to trust the people to govern they would have said that in one year eight States had made substantial progress, and would have thanked God for the victory.

I was talking to one of my friends from Mississippi the other day. He was talking about those poor little factory children in States like Massachusetts. He wants a Federal power to regulate them, but he said: "I do not want them to bother with the folks in the country." (Laughter) He ought to stay out of it then. Massachusetts says it does not need this amendment but Mississippi does, and Mississippi says it does not need it but Massachusetts does. In the hearings before the Committee on the Judiciary three representatives from the State of Massachusetts appeared. They told us they had the best folks and the best laws in the world, that they were doing everything necessary for the children in Massachusetts, but that away off yonder somewhere somebody was not doing what they ought to do, and they wanted to make them do it.

I make it as a statement and there is no man here can deny it. We have overloaded the machinery of the Federal Government to the point where it can not function as a representative government. That is a fact. We grope our way thru legislation indifferently without properly understanding the tremendous matters that we legislate upon; we have shifted governmental powers and responsibility that under the genius of our government ought to remain here, to bureau after bureau, because our Nation is so big, its population is so numerous, that it is beyond human capacity for us to operate it thru the machinery of representative government. It is not a theory, as it once was. It is a fact. We are destroying our system of government at both ends. We are taking from the States those governmental responsibilities which they must exercise in order to preserve their vigor, and we are destroying the system at that end by overloading the Federal machinery by that responsibility taken from the States.

These bureaus have grown until their personnel in the Fed-

eral Government is between five and six hundred thousand people. Less than 600 of the whole personnel are elected by the people, and every one of those elected is functioning up here in this little spot on the eastern border of this country. If you delegate this power to the Federal Government, as is here proposed, the real administration of the laws enacted is going to be in persons four or five removed from anybody whom the people have elected. The thing that came about, gentlemen, until these bureaus, by reason of the fact of their power, by reason of the tremendous number, by reason of the volume of business we turn over to them, these bureaus are ceasing rapidly to be the aids of the Government thru which representative government functions and are becoming the real governors of the people. (Applause.) Talk about popular government! Why gentlemen, this Federal Government was never designd, and never can be designd, and never can function as the agent of popular government.

I am against this proposed amendment, because I am interested in childhood as everybody is interested in childhood. And let us see what this resolution proposes. This power is negative; it closes the door of the factory or farm. That is all, except that it divides responsibility.

What do the States do? The children need not only the factory door closed, but they need education, they need hygienic conditions, they need schools, they need playgrounds, they need moral surroundings. Who can give it to them? I say, gentlemen, you take away from the childhood of America a thing of value when you divide that responsibility. This matter of child exploitation is the one thing that is appealing to the sympathy and serious concern of the people of the States as nothing else does. Out of that a comprehensive constructive program for childhood is developing. I say it is a tragic thing to contemplate if the Federal Government closes the doors of the factories and you send that little child back, empty-handed; that brave little boy that was looking forward to get money for his mother for something to eat. But the people of the States, aroused under a sense of undivided responsibility, do not send the child upon the streets. The people of the States, aroused to interest by his exploitation, take a comprehensive interest in him and in his family. They are providing pensions for the widowd mother and her children. They are not going to send the child on the streets. They provide schools and recreation centers. It makes bigger people; it makes better people; it makes a militant people. You

develop local leadership, you develop local pride, in the protection of their children.

Everybody knows the historical fact that the one thing in all the program that has led to child betterment in America has been the protest against factory labor.

Gentlemen, we are dealing not only with child labor but we are dealing with the structure of the Government. This proposed amendment is not an amendment to the Constitution; it changes fundamentally the system of government. I challenge the opinion of every student not only of our Constitution but of our history if that is not true.

### DOES IT PAY TO GO TO WORK

#### The Survey

The work a child does before reaching the age of sixteen is wasted. That is the gist of a report, *Working Children of Boston*, issued by the Federal Children's Bureau, on its investigation of a large group of children who left school for jobs before that age. Official records of employed children to the number of 5,692, in Boston and three suburbs, Cambridge, Somerville and Chelsea, were examined. The Children's Bureau agents talked with more than eight hundred of the working children under sixteen, and three years afterward secured information by questionnaires as to the later industrial progress of those interviewed.

The early period of employment for many of these children, the report declares, was worse than wasted if considered as a preparation for industrial efficiency and the duties of citizenship in adult life.

Equipped with at best only a rudimentary education, and guided, except in rare instances, only by chance, these children were necessarily excluded by law from all trades involving the use of dangerous machinery and by their own ignorance and inexperience from practically all other occupations which would offer them any opportunity to acquire either mental or manual skill.

In the vast majority of cases the occupations which they secured did not offer any future in themselves nor any training for another occupation in which a child could hope to earn a living as an adult. With no opportunity to acquire industrial experience of any real value the children drifted about from one position to another of similar nature. They were often unemployed for long periods and when employed required frequently to work under conditions prohibited by the child-labor laws.

Nearly three-fourths of the children received less than \$5 a week on entering their first regular position. Higher initial wages were earned by foreign-born than by native children, due partly to the fact that they oftener worked long hours contrary to law, and partly to their greater tendency to enter mechanical or factory occupations, which pay higher wages at the start. In wages promotions, however, they appear to have been not so well off as the native children. The lower the grade completed in school the more likely was the child to begin his industrial career in a factory or mechanical occupation, and 307 out of 637 foreign-born working children had been, according to a conservative standard, below the normal grade for their ages.

Retardation and lack of adjustment to school life appear to be very important factors in influencing both the foreign-born and the native children to leave school for work, even though the reason most frequently given by the children for going to work was that of economic need. The fact that an even larger proportion of those who gave this reason were retarded at school than of those giving all other reasons indicates that the economic causes forcing them to discontinue their education may also be responsible for their retardation while attending school.

The advantage of those who had completed normal or higher than normal grades for their wages was definitely reflected in wage increases, steadiness of employment, and earnings over an extended period of time. The facts seem to indicate that even the small amount of education which the eighth-grade graduate could boast over the sixth-grade graduate was a real industrial asset.

The region of Boston was chosen for the study because it was believed to offer a typical example of an urban community with diversified industries and a considerable volume of trade, as well as because it was situated in a state having comparatively advanced child-labor legislation. The results appear to show that in any similar commercial and manufacturing city both child and community lose by a policy which allows the work of children under sixteen to be used primarily for profit instead of for own training.

### JOURNAL OF COMMERCE, NEW YORK

#### The Child Labor Amendment

With the approval by the Senate of the proposed Constitutional Amendment empowering the Federal Government to



regulate or prohibit the labor of children under eighteen years of age further action depends upon the States. As a proposal to limit the period for completing ratification to five years was rejected, it is highly probable that the Amendment will eventually be appended to the Constitution. If so, the legislation subsequently passed under the authority thereby given will lead to more of those unlovely conflicts between Federal and State authorities which now disgrace our record of attempts at law enforcement in connection with the Volstead Act.

It is provided in this case, as under the prohibition amendment, that Congress shall have the regulatory power, but the enforcement of the law shall be a joint affair. This means that the law will not be enforced except in those States in which the authorities are already engaged in the effective administration of protective labor legislation. In States in which the local authorities are hostile or inefficient the Federal Government will find its laws flouted and its prestige impaired by its own impotence.

Objection to legislation of this sort is based on no hostility to the extension of adequate protection against the industrial exploitation of children. The objection is based on the belief that it will not provide adequate protection and that, as in the case of prohibition legislation, it will arouse hostility or create indifference in sections that were gradually coming to recognize and to seek a remedy for those evils of child labor which still persist. It is equally true that different industrial conditions legislation without implying in the least a disregard of humanitarian considerations. Chiefly for these reasons it would seem to be a misfortune for the country to have this latest proposal for constitutional amendment thrust upon it.

### PRESIDENT WILSON'S ATTITUDE

President Wilson, perhaps more than any other person, was responsible for our first Federal child labor law. On page 287 of the Democratic Textbook, used in the succeeding presidential elections, we find the following:

On a very hot summer day the familiar figure of Woodrow Wilson, President of the United States, appeared in the President's room of the Capitol. His appearance was unheralded and unexpected.

Some one said that the President had come to declare war on

Mexico, some that the President wisht to hold an important conference with members of the Foreign Relations Committee on matters of diplomatic importance. But in a few moments these rumors died down and the fact stood forth that the President had come to the Capitol to urge in person the passage of the child labor bill.

\* \* \* It had been on the administration's program since 1913, had passt the House twice, and was at that moment before the Senate. Owing to the presence of the closing days of the session, this bill was in the utmost danger of being lost in the shuffle.

President Wilson knew facts, and understood this situation. He also knew that the bill had been carefully drawn by expert sociologists to correct a grievous injustice in American industrialism. He understood the forces which were opposing it, and he believd, that the most effective aid that he could give at this crisis was to make a simple, direct, personal appeal to the Senate and to the Country—to let it be known by the fact of traveling from the White House to the Capitol that he was putting all the weight and power of his powerful office behind this measure.

To the President's room came members of the steering committee of the Senate. Things began to happen forthwith. For a few days the opposition held the upper hand, but before the session was concluded the President had won.

The child labor bill passt the Senate on August 8, 1916, by a vote of 52 to 12. The vital piece of social legislation which had been neglected for session after session of Congress became a law. President Wilson, more than any other single individual, drove it thru Congress.

### CHILD LABOR ARTICLE WINS HIGH SCHOOL "BIGGEST NEWS" PRIZE

The New York World is encouraging the high school students of New York City to take an intelligent interest in the news of the day by offering each week a prize of \$20.00 to the high school student who selects what seems to him or her the most important news of the week and writes the best short essay giving reasons for the choice. At the end of a month a special monthly bonus prize is given to the student writing the best article during the month.

This special prize for February went to Miss Thelma E.

Berlack, aged 16, of the Theodore Roosevelt High School, who wrote on the importance of the proposed Child Labor Amendment to the Federal Constitution. Miss Berlack's winning article follows:

"That the boys and girls of the United States shall have equal opportunities in all parts of the country," begins what seems to me to be the biggest news item of the week. This proposed amendment, if passed, will help to conserve the rising generation of America. Such a conservation of humanity means:

1. Higher standards of living for the average family, physically, mentally, and financially.
2. Economic, industrial and social advancement for the country at large.
3. American as a protector of its young minds in the making.
4. The practical application of the theories of science, education, and logic, in that we love and protect our future citizens.

The New York problem of child labor is sometimes overlooked, because of the equitable educational system here. Horrors, however, face us as we think of the hundreds of children working in tenement houses, straining their eyes, stunting their growth, and probably spreading disease thru the garments they work on.

The textile mills of the South, the sugar beet fields of the West, the truck farms of the East, and the coal mines of Pennsylvania—these, all of these are the bases of our child labor problems; therefore we are all guilty.

If State regulation has not solved and cannot solve this bugbear situation, a national regulation is needed and should be demanded. The proposed solution of this vital American problem is truly the biggest news item of the week.

The National Child Labor Committee, delighted that the Child Labor Amendment should be recognized by a high school student as of such vital importance in the face of the more blatant and dramatic news features such as oil scandals, murder trials, etc., wrote to Miss Berlack asking her just why she happened to choose this subject for her essay. She replied, giving the following reasons:

1. Contestants are supposed to write on the news scope from Monday through Sunday. The proposed Amendment on Child Labor appeared in the Sunday World of February 24.
2. Having come from the South just about five years ago, I

still have a vivid picture of conditions that exist there as far as child labor is concernd.

3. Most of the school terms are from five to eight months in length. Some children are obliged to be absent from school from one to three days a week regularly to work in the cotton fields, orange groves, bean fields, etc. Others do not get the full benefit of the five to eight months' term even at the rate of two or three days a week. Why not? Because there is no compulsory education law.

4. Of course, in my particular case it was different, because I went to a boarding school. In fact, I have always had every opportunity for intellectual advancement offerd to me; therefore I have had the time to consider and pity the conditions of other children my age and size.

5. My Grandmother has told me many things of the hardships she endured while a mere child. Twice a week she did not go to school at all (Mondays and Wednesdays). Besides having had to prepare the breakfast, clean the house, go to school, work in the field after school hours, she was stopt from going to school at the age of thirteen.

6. This is but one case, still I know of other actual ones

7. My education has taught me that the American ideal is sharing. Are we sharing opportunities equitably if 1,000,000 children, \$1,000 00 minds in the making, are taxt, burdend, overworkt, and ruind for life? Are we fair to nature, to our country, and to our ourselves if we permit such heartending conditions to exist? No!

### THE CHILD LABOR AMENDMENT

Editorial Boston Transcript

On Saturday we publish the speech made in the House at Washington which Mr. Andrew of Massachusetts made against what is known as the "Child labor amendment" to the Federal Constitution. Stated briefly and in condense form, his objection is that such amendment is a further step in centralization and of itself creates a further multiplication of Government agencies and further expense to the tax payers of the country, their several States' rights having been nullified in this respect. Congressman Andrew's argument was of a nature that has been heard before on this subject and others cognate, and being what it was, cannot be disregarded.

When a congressman, a journalist, a lawyer or any other citizen makes an argument of this kind he immediately encounters the haze that hangs over the public understanding of

the difference between abstract principles which are paramount. We do not think the vote in the House as significant as may seem, for the patent reason that undoubtedly much pressure was brought to bear upon congressmen by those much more affected by the emotion that we have mentioned than by consideration of constitutional policy. Let us be clear at once: We believe that child labor can be fearfully exploited, that it has a side to it from which we shrink in pity and disgust, and every instant's time of childhood should be saved and tended. But on the other hand, the country faces a situation never perhaps encountered, though it has been taking shape for years, a situation where those would have certain social and economic theories put in practice look on all occasions to the Federal Legislature to do it, where the distinction between constitutional rules and legislative acts is ignored by many as really unknown to them, and where through that state of things an idea has arisen that to amend the Federal Constitution is a process that should grow easier each year. The defects in this point of view are obvious: when one speaks of "organic law" one means something utterly different from what is known as a "law"; the two so long as we have constitutional existence, should never be confounded. You can not call a thing "organic" and then treat it as if it were nothing of the sort.

In the next place, and this consideration is the most difficult of all to be fairly judged, it is a fact that alleviating or preventing a condition of social injustice or hardship cannot be considered apart from the way the result is obtained. Can readers looking at the present conditions deny that if such an amendment as proposed be made to the Constitution it will not be long before a further amendment on some other subject is offered, until this body, so-called "organic," be shingled and trimmed and plastered with each succeeding blast of sentiment and emotion that, however sincere and however creditable, none the less are emotion and sentiment, and being such, volatile and changeable? This is the solemn consideration to be held in view. The doctrine of State Rights is not a fiction, but a very tangible and fundamental part of our American constitutional life; it is thoroughly in consonance with the political instincts of a people that hitherto has been jealous of the meddling of centralized government as one that denied it the possession of virile political capacity. We submit that these considerations should be pondered most carefully before votes under the guise of a humanitarian act have further parted with their necessary constitutional freedom of action.



THE UNIVERSITY OF OKLAHOMA  
TRAINING CHILDREN TO WORK

Mrs. E. E. Hoyt

From a Correspondence Course in Education, University of Wisconsin.

"While much of the child's time should be spent in spontaneous play, some part of every day should be given over to the doing of certain definite required tasks in the home. Many parents feel that as long as children are in school and are required to work there, nothing should be required of them at home. It is true that children in school are required to work, and are penalized if they do not, tho often the work is remote from their interests and empty of results. But granting this, if the school did nothing else in so far as it inculcates the work habit and the work attitude, it is doing a great service. But the school cannot take the place of the home in this respect. The work a boy does in school is often done under compulsion; it is individualistic; he studies for his own advantage. But work in the home gives him a share in the family life. It teaches cooperation; it gives a sense of obligation, of responsibility. It deepens family ties and enriches childhood experiences.

Some Principles Governing the Formation of the Work-habit

1. The child should be allowed to "help" as early as he shows a desire to do so, even tho his help be only a hindrance.

2. Work should be a regular daily practise, but in duration and exertion suited to the age and strength of the child.

3. If a household is so organized that there is no work for children, the mother's ingenuity must find or make such work; for example, the care of plants or pets, if nothing more substantial is possible.

4. Work should not be held up to the child as an evil to be shund, but as an opportunity to be of service.

5. Occasional unexpected rewards for work well done should be given to children, together with words of commendation when these are deserved.

6. One of the very best ways to teach a boy of twelve to work, to give him a sense of the value of money, and to keep him out of mischief during the summer vacation, is to give him a plot of ground for the raising of garden vegetables, and to buy his product at market prices.

(This shows the great difficulty of training children to work. It is proposed that the national government blunder into this delicate process.)

## TO CHECK CHILD LABOR

## The Independent

With the current of public opinion which opposes working young children in factories we are in full and hearty sympathy. Yet we view with concern the general disposition to deal with the matter by amending the Constitution, and we shall feel it highly regrettable (unless he changes his apparently intended course in the matter), that President Harding should have recommended to Congress this way of dealing with the issue. We are opposed to a Constitutional amendment of this sort for two reasons—that such a remedy is worse in the long run than the evil it is aimed at; and that there is no clear necessity of resorting to it. We believe that a practical and harmless way to gain the desired end is available, and that it should at least be tried out before changing the fundamentals of our Government.

A rule that no child under 14, or 16, shall work in a factory is not a fundamental principle of government by a union of sovereign States like ours, which have delegated certain powers to the central Government solely in order to accomplish specific purposes which they could not compass by their action as independent units. It is a mere police regulation. It is not different in principle from the prohibition of Sunday golf or baseball by Congress, and in the minds of many thousands of our citizens is even less vital to social salvation than strict Sabbatarianism. To give Congress authority over the conditions of child labor in the States is in principle to give it authority over every detail of the citizen's personal life and habits. Some men and women may welcome such a change; but the inevitable result would be a vital alteration in the basis on which our union of States now functions. Beneath certain large aspects of unity, this country is one of highly diverse conditions of race, of culture, of environment, of ideals and standards. It is a fundamental of our system that the separate States have each a free hand in finding its own solutions for problems that are not common and vital to all States. Here lies flexibility, room for experiment, and easy opportunity for retreating from mistaken positions without burdening the whole country with the error. We believe this system is vastly more hopeful for sound advance than mass movements for national legislation on essentially State matters.

What the President might well do is to summon a conference of Governors to discuss child labor regulation. He could make it plain to the Governors of the States now lax as to child labor

that the moral sentiment of the country as a whole demands a raising of their standards. He could point out his own recommendation to Congress as showing the probable result of their failure to adopt the standards of the rest of the country.

He might well use his recommendation to point his own regret over an impending vital departure from the American system, and urge upon the Governors of the backward States—all of them long-time champions of "States rights"—that they appeal to their people for legislation that would forestall interference through Constitutional change. Shrewdly planned and managed, we believe this appeal would be effective. Such a solution seems to us infinitely preferable to changing the Constitution.

### THE WRONG INSTRUMENT

Daily Oklahoman

The argument in favor of the constitutional amendment prohibiting child labor is the same old argument that has been advanced in favor of every measure that has invaded the precincts of local government and infringed on the rights of states. It is right to prohibit child labor; certain states are too slow in adopting the policy; immediately action is necessary and, therefore, it becomes the duty of the federal government to impose this reform on the tardy commonwealths.

There is no argument against the suppression of child labor when that labor is performed by children of tender years at the expense of their reduction and in circumstances injurious to their health. But the essential point overlooked by the advocates of this proposition is, whose duty is it to enforce the reform? What unit of government under our scheme of government is empowered to achieve the desired result? This question becomes most important when we remember that what is right when done by one party may be absolutely wrong when done by some other party.

It is necessary, sometimes, to punish a refractory child. But the parent of the child and not some stranger is the proper person to administer the punishment. Legal marriage is desirable, but it should be performed by ministers or magistrate, and not by the village tinker or bootlegger. Instruction of the young is necessary but that instruction should be intrusted to the qualified teacher and not to the unlettered janitor.

The suppression of injurious child labor is desirable, but the

constitution has selected the proper authority to manage all matters that come within the province of the individual states.

Of all our multiform characters of government the federal form is most expensive, less responsive to existing conditions, farthest removed from the people governd, and the most saturated with the spirit of bureaucracy. Moreover, it is the most calculated to impose unpopular mandates on an unwillingly and unfriendly people.

Federal aggrandisement is reflected in the ever mounting cost of government in the startling increase in the number of officials, the rapid passing of free and local self-government, and the alarming development of bureaucracy. It is responsible for the grave development of that lack of respect for government which is an alarming symptom of the day, People will not respect laws that infringe on their constitutional rights, which were enacted without their consent or consideration. Which reduce them to a state of helplessness, and which they can never hope to remedy, amend or repeal.

Nor will the people agree that it is necessary to prohibit child labor by federal mandate. Less money and less labor would be required to convince the tardy states and secure their sanction of child labor prohibition than will be required to secure the federal amendment. Practically no effort has been made by the reform forces to carry out-standing states for this reform. As a rule they are agricultural states where labor is performed in the open spaces and therefore least injurious to the growing child. If the reformers now demanding the invasion of the states by another federal amendment would only devote their energy to creating a healthy sentiment in the several states for this reform, there is no question that in a little while every state in the union should be lined up for the reform.

But without any preparatory campaign, without any fair appeal, without any effort to legislate as the constitution has provided, these zealous advocates of reform organize another turbulent minority, rush to the national capital, play on the fears of nervous congressmen, and secure the submission of an amendment that makes another inroad on the domain of free government.

"In the debate in the U. S. Senate one senator declared that the Child Labor Amendment had been put thru Congress by two sentimental old maids." Hooray!

**CHILD LABOR IN CITIES AND ON FARMS**

By Carl Williams

Editor, Oklahoma Farmer-Stockman

My desk is deluged daily by documents pro and con on the child labor amendment. The favorable arguments come chiefly from the bureau of education at Washington, which is supported by Federal taxes. The opposing arguments come from about everybody else who has yet expresst himself.

The child labor amendment is another proposed change in the already much-modified Constitution of these United States. It would give the Federal Congress full power to "limit, regulate and prohibit" the labor of all children under 18 years of age at any time or in any place.

The amendment is to be voted on by the state legislatures this winter, and it has already been passt upon and approvd by the lawmakers of one state. In another it was voted down by 107 to 3.

This measure was backt in Congress by the city labor unions. It began with the idea that children should not be employd at harmful work thru long hours under sickly conditions in mills. Then the so-calld "bureau of education" grabd it and under the guise of "keeping the child in school" put it thru Congress in such a way that it covers all children everywhere.

If there is one thing on earth that farmers do not want, it is a bill which would ultimately prohibit a farm boy from hoeing cotton, or a girl from tending garden or washing the dishes. Yet this measure would give the Federal Congress power to expressly prohibit such labor on every farm in America.

If there is one thing on earth which will be utterly bad for every boy and girl in the land that thing will be to take away from them the discipline of daily toil. It is a joke to suggest such action in the name of education, for more things worth while in life are learnd from labor than from books, as every middle-aged man or woman in the country can testify from personal experience.

Should no boy be allowd to work his way thru school? Should no boy be allowd to work to support his widowd mother? Should no orphan boy be allowd to support himself? Should no girl be allowd to do chores; or to work during vacations to help support either herself or the family?

It is all foolishness for the bureau of education to claim that such things as these will be exempted from the action of the proposed amendment. The bill is not even limited to "gainful



occupations" and as a matter of fact, covers about every form of physical effort which is not recreation or play.

As far as the folks who live on farms are concernd, you may prohibit completely the labor of their children; but if you do, you at the same time make it impossible for the farm family to live. The economic margin between success and failure on farms is just that narrow. The amendment as it stands is a direct blow at the agriculture of America, for of the 1,000,000 children today gainfully employd in the United States, more than two-thirds of them are on farms.

And who shall say that this gainful employment of farm children is bad for the children? The childless theorists in the bureau of education?

Ask the farmers. Ask those who were reard on farms and who had to work as youngsters. Ask the farm girls who are now mothers. Ask your own stenographer, who was probably reard on the farm. Then ask your own common sense. When you have had your answer from all these sources, you will begin to get a real idea of the idiotic lengths to which the reformers are ready to drive mankind.

### Child Labor

To the Editor:

I have before me the article by Carl Williams, "Child Labor in Cities and on Farms," which you publisht in your issue of Sept. 7.

May I correct your impression that the only organization supporting the Federal child labor amendment is the bureau of education at Washington? Twenty national organizations, of which the national child labor committee is one, are backing the amendment as well as the most prominent republicans and democrats. The three candidates for president are strongly in favor of it, as well as a majority in the Senate and the House.

We are sure that Mr. Williams and the paper which he edits are interested in the welfare of the children of America, in fact, he says he opposes the amendment because it would take away from the children the discipline of toil and so would be "utterly bad for every boy and girl in the land." He says, "More things worth while in life are learnd from labor than from books," and we are inclined to agree with him. We believe that certain kinds of work are the best thing for children, and among them we include chores and tending gardens.

May we not make use of your columns in order to present to Mr. Williams and others who believe as he does, the views and

purposes of those who advocate the amendment?

As to the idea that the amendment will keep every child under 18 from working, the amendment is, as you know, merely an enabling act. It is not a statute. No one can say at the present time exactly what sort of a statute Congress will enact. But it is highly probable that the standards set up in the first two Federal acts will be followed; that is, the prohibition of the labor of all children under 14 in all manufacturing occupations, and the regulation of the labor of older children in certain dangerous occupations. Congressmen, after all, are only the representatives of their constituencies, and there is not the slightest chance that their constituencies would agree to the passage of any law which prevents all children under eighteen from working.

It was necessary to use the phrase "all persons under 18 years," in order to establish a definite limit to the power of Congress. The limit of 18 years was agreed upon inasmuch as it is obviously necessary that children under 18 be prohibited from entering into certain occupations that are dangerous to them, and that the hours of labor for children over 14 be limited so that no child under 16 will work longer than eight hours a day in those occupations in which it is generally agreed it is safe for them to be employed.

Mr. Williams makes the statement that "It is a bill which would ultimately prohibit a farm boy from hoeing corn or a girl from tending the garden or washing the dishes." If we may repeat what we have said, the amendment is not a bill, it is merely an enabling act. The amendment undoubtedly does give Congress the power to regulate child labor in agriculture. But we expect Congress to use some discretion. So far as is known to this committee, there is no member of Congress, nor is there any organization which is desirous of keeping all persons under 18 from hoeing corn, or tending gardens. We believe, as you do, and we think all sensible persons believe, that these occupations are healthy and educational. We believe that congressmen who are after all the representatives of their constituencies, take the same view, and that they will never legislate against hoeing corn or washing dishes.

JEAN M'ALPINE HEER,  
New York City.

What will the affirmative say to the child crying with hunger who curses every one who helpt make a law to compel it to starve or steal?

**STATEMENTS ON CHILD LABOR IN POLITICAL  
PLATFORMS AND BY PARTY CANDIDATES****Republican Platform (Adopted by Cleveland Convention  
June 9-12, 1924)**

"The increasing stress of industrial life, the constant and necessary efforts because of world competition to increase production and decrease costs, has made it specially incumbent on those in authority to protect labor from undue exactions. We commend Congress for having recognized this possibility in its prompt adoption of the recommendation of President Coolidge for a constitutional amendment authorizing Congress to legislate on the subject of child labor and we urge the prompt consideration of that amendment by the legislatures of the various States."

**President Coolidge in Speech of Acceptance (Washington,  
August 14, 1924)**

"Our different States have had different standards, or no standards at all, for child labor. The Congress have authority to provide a uniform law applicable to the whole nation which will protect childhood. Our country cannot afford to let any one live off the earnings of its youth of tender years. Their places are not in the factory but in the school, that the men and women of tomorrow may reach a higher state of existence and the nation a higher standard of citizenship"

**Democratic Platform (Adopted New York Convention  
June 24-July 9, 1924)**

"We pledge the party to cooperate with the State Governments for the welfare, education, and protection of child life and all necessary safeguards against exhaustive, debilitating employment conditions of women

"Without the votes of Democratic members of the Congress the Child-Labor amendment would not have been submitted for ratification."

**John W. Davis in Speech of Acceptance (Clarksburg, W. Va.,  
August 11, 1924):**

"We shall strive, therefore, for the things which look to these great ends; for the education of our youth, not only in knowledge gathered from past ages but in the wholesome virtue of self-help; for the protection of women and children from human greed and unequal laws; for the prevention of child labor and for the suppression of the illicit traffic in soul-destroying drugs."

**Gov. Bryan's Address Accepting the Nomination (Lincoln, Nebraska, August 18, 1924):**

"The welfare, education and protection of child life, and the care of mothers are of first importance and should be given every consideration that law and administration can offer. Our party testifies to its interest in the Child Labor Amendment to the Constitution by pointing out that it could not have been submitted without Democratic votes. Since the adoption of the Democratic platform, Arkansas, a Democratic State, has the honor to be the first State to ratify the Child Labor Amendment"

**Platform of Conference for Progressive Political Action (Adopted At Cleveland Convention, July 4-5, 1924):**

"We favor prompt ratification of the child-labor amendment and subsequent enactment of a Federal law to protect children in industry."

In His Message to Congress, President Harding, on December 8, 1922, said:

"Closely related to this problem of education is the abolition of child labor. Twice Congress has attempted the correction of the evils incident to child employment. The decision of the Supreme Court has put this problem outside the proper domain of Federal regulation until the Constitution is so amended as to give the Congress the indubitable authority I recommend the submission of such an amendment.

**Mr. Wilson, when he signed the bill, said:**

"I want to say that with real emotion I sign this bill because I know how long the struggle has been to secure legislation of this sort and what it is going to mean to the health and to the vigor of this country, and also to the happiness of those whom it affects. It is with genuine pride that I play my part in completing this legislation. I congratulate the country and felicitate myself."

**John Fiske, the great historian and philosopher:—**

"If the day should ever arrive when the people from the different parts of the country shou'd allow their local affairs to be administerd by by prefects sent from Washington, and when the self-government of the states shall have been so far lost as that of the departments of France, or even so far as that of the counties of England, on that day the progressive political career of the American people will have come to an end, the hopes that have been built upon it for the future happiness and prosperity of mankind will be wreckt forever".

**BRIEF OPINIONS****Victor Berger:**

"It is a socialistic amendment, and that is why I am for it"

**G. T. W. Patrick**

"Play, like growth or life itself, belongs to the concept of childhood. Take away the opportunity for legitimate play, and the play instinct, the instinct of rivalry, of adventure, of initiation, will manifest itself in anti-social ways."

**Walter F. Simon**

There are in the state of Wisconsin 25,000 children between the ages of 14 and 17 at work in industries, the majority of which are futureless, dead-end occupations. Even those earning a comparatively high wage are in positions that lead nowhere.

**Adams and Sumner: Labor Problems**

"The employment of children under 14 pauperizes the parents and enforces illiteracy upon the children. It is one of the most prolific causes of poverty, pauperism, vice and crime in adult years, and is in fact a grave menace to the peace and prosperity of the social order."

**Prof. Richard T. Ely**

The wage of a low grade occupation is at first relatively high, but in three or four years the boy has reached his maximum earning capacity. The boy who begins at 16 or later soon catches up with his less fortunate brother and in a comparatively few years is earning a superior wage.

**Prof. E. R. A. Seligman**

The slowness of development in some sections of the country, coupled with the complaint that states with good laws are put to a disadvantage in competition with others, has led to a considerable movement in behalf of Federal legislation. That either this or uniform state legislation is no longer open to doubt.

**Senator Fletcher, Fla.**

"We will even intervene between parent and child, and advise the child to disobey the parent and flout the domestic authority. It will discredit the judgment of the parent with the child, displace the parent as guide and adviser. It would destroy the respect and lessen the affection which should obtain in the family relation."

**Representative Stengel, N. Y.**

"If I am called upon to decide between the rights of childhood and State rights, I shall cast my vote for the childhood of the Nation, for of what benefit would State rights be were we to rear in this fair land a race of mental defectives and moral and



physical pygmies rather than groups of healthy-minded, physically and morally vigorous young men and women."

**Representative Watkins, Ore.**

"Childhood is endowed with certain inherent and inalienable rights that tower over and above any and all material progress; among these rights are freedom from earning their daily bread in the sweat of their brow; the right to play and to dream; the right to sleep when night steals over the day; the right to be educated and to pursue and enjoy the happiness of childhood and the company of other children."

**Prof. Edward A. Ross**

A society earnestly bent on equalizing educational opportunities would see that no capable child quit because its parents could not support it or needed its earnings.

The tendency to nationalize education is world wide. All progressive peoples are coming to feel that the child's schooling is too much a social concern to be left entirely to the discretion of parents, or even of the local community.

**Senator Lenroot, Wis.**

"When we passt the first child labor law, supposing we had the power under the interstate commerce clause, we all believed we had like power over children upon the farms, but did not see fit to exercise it. When we passt the second child labor law, based upon the taxing power, we supposed that we had the same power regarding children upon the farms exerted as to other children, but we did not see fit to exercise it."

**Sen. Fletcher**

"The worst injury that could be inflicted upon the youth of this land; the worst disservice that could be rendered the boys and girls under 18 would be to prohibit them from useful employment, and dictate how the fathers and mothers of the country are to control and manage their children. If you prohibit the youth of the country from performing labor till they are 18, they will never perform any labor and you will add to the number of inmates of the prisons of the country."

**Senator Walsh, Mont.**

"We have listened to a very vigorous and eloquent argument about how legislation could be enacted which would make a criminal of the farmer who directed his boy 14 years of age to go out and tend the stock. I am not at all alarmed about that kind of argument. I am going to assume that in the future, as in the past, the Congress of the United States which will be called upon to enact legislation will consist of men who have some reasonable

degree of common sense, and they are not going to enact any such legislation as that."

**Hon. J. D. Beck, Representative from Wisconsin**

"I am wondering whether, after we get perfect child labor laws, perfect law regarding women in industry, sanitation and all that, whether the struggle won't go just the same almost as if we did not have them. I have had a little experience in enforcing labor legislation and in enforcing the child labor law in particular. I have had occasion to wonder a great many times whether we weren't almost taking the bread and butter out of the mouths of the child and the parent by refusing a permit to work."

**Honorable Herbert Hoover**

"With the growing population and the growing complexity of our industrial and social life, the constant resort to Federal control for solution of difficulties will yet undermine the very basis of social progress by the destruction of the sense of local responsibility . . ." " . . . Let us have our eyes open to the fact, however, that the necessity for so doing (adopting the Child Labor Amendment) is a definite step in undermining the autonomy of local government, and the sacrifice in this autonomy that a few states are imposing on the whole will only open the gates of encroachment thru the Constitution every time some local cesspool must be drained."

Mr. Hoover nevertheless favors the Child Labor Amendment.

**Representative Michener, Mich.**

"While the States have plenary power to deal effectively with this subject, yet they have failed to exercise that power. They still refuse to exercise that power, and we are asked to defer action until such time as these delinquent States come to an understanding of the real needs of these beneficial laws. How long must we wait? The children of today are the men and the women of tomorrow. They pass this way but once as children.

"This is a national question and should be dealt with as such, and our scruples against constitutional amendments should in no way interfere with our exercising our right to amend the Constitution when necessity requires."

**Senator Shortridge, Calif.**

"I do not see anything in the nature of an invasion of the States, for after all, this is one Nation, not 48 nations; this is one people, not 48 peoples. If the States shall legislate wisely and humanely there may never be the necessity for the Federal Government to legislate on this question. I mean to say that we

must assume some intelligence, some patriotism, some knowledge, some fidelity to duty, some ordinary, common, horse sense in Congress.

"It is a Nation of indestructible States, but I want it to be a Nation of unified hearts, and therefore I would not favor this joint resolution if I thought it would estrange States, if I thought it would cause a State to lose its love and reverence for the Nation.

**Moorehouse and Graham, Amer. Probs. p. 106**

"In an ideal society, all the men would work at some really productive job, all the married women would keep house in comfortable homes, and all the children study and play between square meals and nine hour slumbers. In our far-from-ideal world women and children are still forced to work outside their homes. But this much has come to pass: Everybody, except a few employers whose interests still blind them to the obvious fact, now acknowledged, that children should be allowed to grow up, not without light and reasonable work, but without labor which robs them of health, school, and of reasonable play time."

"The child labor situation is an illustration of how old safeguards of liberty may in time become blocks in the way of social welfare."

**Thomas Jefferson**

"It is not by the consolidation or concentration of powers, but by their distribution that good government is effected. Were not this country already divided into states, that division must be made that each might do for itself what concerns itself directly and what it can so much better do than a distant authority. Each state is divided again into counties, each to take care of what lies within its local bounds; each county again into townships or wards to manage minuter details; and every ward into farms to be governed each by its individual proprietor. Were we directed from Washington when to sow and when to reap we should soon want bread. It is by this partition of cares, descending in graduation from general to particular, that the mass of human affairs may be best managed for the good and prosperity of all."

**Dr. Roscoe Pound, dean of the Law School, of Harvard**

As to the merit of the subject (proposed Child Labor bill) perhaps nothing need be said, but I do feel impelled to express my conviction that now that it seems to be established by decisions of the Supreme Court that Congress cannot deal with this matter under the Constitution as it now stands, a Constitutional amendment is imperative. Today, so far as industry and business are

concerned, state lines are but lines upon the map. A situation in which one standard as to child labor applies upon one side of such a line and another upon the other side, or in which an easy-going administration upon one side of such a line, as it were, competes with a strict administration upon the other, can result in nothing but evil. I should cordially agree that constitutional amendments ought to be reversed for a few great occasions and that nothing could be more mistaken than to resort to constitutional amendment for every sort of desired legislative improvement. But the need of regulating child labor is emphatically one of those great occasions which calls for the legislative interposition of the people of the United States thru the Constitution."

**Henry M. Bates, Dean of Law, University of Michigan**

"All efforts to secure valid congressional legislation on this subject without amendment to the constitution have failed. There is no other recourse if we are to meet this serious evil, than to amend the Constitution. I am not one of those who is willing to see an unlimited extension of Federal power, but where economic and social considerations demand as urgently as in the case of child labor national dealing with a subject, I am willing to see the national power extended to meet the need."

**Sydney Smith**

Our wise ancestors; hands off their infallible work. No innovation; the fool sayeth in his heart and crieth with his mouth "I will have nothing new". The quietist fallacy; nobody complains, the measure is unnecessary. Fallacy of false consolation; what would you have; look at people there and there; your prosperity and liberty are objects of their envy; your institutions are models of their imitation. Snail's pace argument; not so fast; one thing at a time; slow but sure; importance of the business; danger of innovation; need of caution and circumspection; impossibility of foreseeing all consequence; this is not the time; the people are well satisfied; no such mischief has taken place; stay till it has taken place. Antirational fallacies; theoretical; visionary, chimerical, romantic, Utopian.

It was an adage of an old Tammany politician:

"Give the people what they want, but make it unconstitutional".

**Resolution of the Tenth Annual Convention of the Association of Governmental Labor Officials of the United States and Canada in re Child Labor Amendment to the Federal Constitution, Passed at Richmond, Va., May 4, 1923.**

Whereas recent decisions of the Supreme Court in child labor and minimum wage laws for women seem to justify the opinion that constitutional amendments are necessary to make such laws constitutional; therefore be it

**Resolved,** That this association favors and urges the incoming Congress of the United States to submit constitutional amendments upon these subjects.

**Resolution of the Eleventh Annual Convention of the Association of Governmental Labor Officials of the United States, and Canada in re Child Labor Amendment to the Federal Constitution, Passt at Chicago, Ill., May 22, 1924.**

The Association of Governmental Labor Officials of the United States and Canada meeting in annual convention in Chicago, May 22, 1924, declare the belief that the enactment of Federal Child Labor Legislation will aid the states in the enactment and administration of Child Labor Laws; and since the Supreme Court of the United States has declared that Congress has no authority to enact Child Labor Legislation without amendment to the Constitution:

Therefore the members of the Association representing thirty-one States unanimously urge the passage at this session of Congress of the Child Labor Constitutional Amendment without modification in the form in which it passt the House of Representative on April 26th.

### **YOUR QUESTION ANSWERED**

#### **Agriculture and the Child Labor Amendment**

1. Does the proposed Child Labor Amendment to the Constitution include agriculture?

Yes; it gives Congress the power to limit, regulate, and prohibit the labor of all persons under eighteen years of age.

2. Does this mean that after the Amendment passes children under eighteen years of age will not be allowd to work on farms?

No; the Amendment is not a statute. It simply gives Congress the power to enact statutes regulating child labor. Work on the home farm is not child labor, and there is no probability that Congress will ever enact legislation affecting the normal



work of children on their home farms and under the direction of their parents.

3. If children are to be allowed to work on their home farms as usual, why does not the Amendment exclude agriculture?

Because in certain forms of agricultural production children are employed under conditions similar to conditions existing in mills and factories. This is notably true of such agricultural industries as sugar-beet growing, trucking, harvesting cranberries, etc.. Children are employed in many instances for long hours, under inadequate supervision, at low wages, at hard labor, and to the detriment of their education. Such forms of agricultural child labor need to be regulated.

4. Do those who favor this Amendment believe that it is harmful for children to work?

No, but there is a vast difference between work for children and child labor. Work on the home farm suited to the child's strength and not interfering with his attendance at school is a wholesome part of education and training. Employment away from home and in the interest of someone else's profit invariably leads to abuses inimical to the child's health, education and morals.

5. Would it not be advisable to leave this problem to the separate state instead of resorting to federal legislation?

It would be if all states could be induced to pass minimum laws so that all children would be equally protected. Experience indicates that this will not happen so long as certain states can profit by the use of cheap labor. Industries which can use child labor will shift to the states where the laws are lax; they can thus reduce production costs and practice unfair competition.

6. What kind of child labor law will Congress pass after this Amendment?

If the Amendment is passed, Congress will pass minimum regulations which will apply equally to all states. Individual states may still go as far above the minimum as they please.

7. Is not child labor a thing of the past?

Under State legislation, the child labor evil has not disappeared. According to the 1920 Census statistics, more than one million children under 15 years of age were gainfully employed. The federal law, which has since been declared unconstitutional, was then in effect. It is now reliably estimated that at least two million children under 15 years of age are being gainfully employed. In 1920 the Census reported 1,060,858 children under 15

gainfully employd; of this number 647,309 were employd at agricultural labor.

8. Do other countries include agricultural labor in child labor legislation?

Yes The recent agreement of the International Labor Office of the League of Nations specifically mentions agricultural labor. This agreemeent has been ratified by Japan, Czechoslovakia, Esthonia and Sweden.

### BRIEFS

To help needy families, which is better; to give money or wages to an idle child?

"Who so shall offend one of these little ones," etc. This the amendment tries to prevent.

Age of pupils leaving schools in New York, 1920: 15 years, 30%; 15 and 16, 38%; 16 and 17, 20%.

"Train up a child in the way he should go," etc. How can he be trained if he is not allowed to work?

The amendment clearly interferes with parental control: nothing on earth can justify such an attempt.

H. R. Bonner—percent of children who should be in school: At 13, 85%; 14, 65%; 15, 41%; 16, 24%.

Nine nations in Europe have less illiteracy than the U. S. In all these the children are protected by national laws.

No business man would object to a righteous child law law if only his competitors were under the same law.

We can hardly get the children to live in the country now; what will it be when we stop child labor in the towns?

Why introduce Domestic Science and Manual Training into our schools if we provide for prohibiting labor before 18?

The effects of child labor are not direct and inevitable but are "hazards." The fact that a few escape is no argument.

What the affirmative want is the proper and effective protection of children. The negative are interested in something else.

It is stated that 90% of juvenile criminals are those who are idle, and this amendment proposes to increase the number of the idle.

The stars in our flag stand for the states. Remove them, or combine them into one splotch of color and you have destroyed our flag.

When Congress voted to submit this amendment to the legislatures of the country it endorsed it and practically recommended its adoption.

Manufacturers often have hard times when they cannot pay regular wages. They must either shut down, pay lower wages, or employ children.

The South is criticized for having more child labor; but most of it is in factories largely owned by northern capital. The question is not sectional.

The real question in this debate is not the regulation of child labor and the protection of children, but whether this amendment is the best way to do it.

This amendment is like cutting off the head to cure the headache. It is a proposal to destroy the American home to prevent the exploitation of a few children.

Reformers get tired like all other people. It is so much easier to convince one congress than 48 legislatures that the temptation is very great to ignore the states.

Everything the state or nation does must be done by politicians. Even if parents do sometimes mistreat their children, can we trust politicians to do any better?

It is a pity that children have to work for a living. Yes, but it's a greater pity that so many of them are poor. As long as poverty lasts child labor must continue.

The retardation of children leaving school is more than twice as great as among those who remain in school. Those who stop earliest are those who need education most.

We now have compulsory education laws in most states. If these were enforced the children would be protected wherever possible. This amendment is not needed.

There are often great losses and acute suffering caused by labor shortages to save crops and meet emergencies. This amendment cannot but aggravate such conditions.

Before we try to compel children to attend school at the cost of hunger and nakedness we should be sure that the schools are giving them just what they most need.

There is no evil greater than depriving children of the right to grow into men and women. Why submit to this evil for fear of lesser evils which may never come at all?

Every state in the Union already has a law prohibiting the work of children under 14 in factories; many of them have more stringent laws than the proposed amendment.

It is sometimes argued that working children are often of

low mentality, and schooling would not help them. That is, we may take away from them what little they have!

If the laws in some states against murder were not sufficiently drastic, would that justify an amendment to the Constitution transferring murder legislation to Congress?

The right of the child to play and happiness is just as fundamental and necessary as its right to food. Without these the fullest development is not possible to any child.

The real question here is not child labor but who shall take care of the child, the parents, the community who know all the facts, or a government bureau at Washington?

It is certain that child labor can be regulated by the states. This is abundantly proved in 18 states. No adequate effort has yet been made to secure the necessary state legislation.

Children often leave school a few weeks before graduation if their birthday comes then. Leaving school on the 14th birthday is very common in states where that is the minimum age.

To say to the children of the poor, "You must steal or starve" is the most brutal proposal ever made in the name of mistaken law. Why not shoot them down and be done with it?

Children must always work as long as wages are insufficient. Will the affirmative tell us how those responsible for children can support them in idleness with less than a living wage?

The natural talents of these pupils had something to do with it: The 25 percentile boys left at 14.8 years; the medium boys left at 15.5 years; the 75 percentile boys left at 16.2 years.

Congress thought it had the power to pass child labor laws, but the Supreme Court said it hadn't. Now this amendment is merely Congress asking the states to give it the power it tried to usurp.

Some say better to sacrifice a few thousand children than tamper with constitution. If this should prove injurious it can easily be changed, but the wrongs done the children can never be atoned for.

In two rural counties in North Carolina two-thirds of the white children and three-fourths of the negro children work in the fields regularly, and even with that the farmers could not make a living.

Several states have child labor laws forbidding labor of certain kinds before 18 years and some 21 years. The amendment will not interfere in the least with those states which prescribe a 21 year limit.

Compulsory education laws can meet every need of the

situation. If children have to attend school of course they cannot work all the time. Work while not in school is infinitely better than idleness.

Very few children under 16 can get good or permanent jobs. They are monotonous, mechanical, non-educational. Occupations are so limited, wages so low, employment so irregular, that child labor does not pay.

Children lack experience to labor safely with machinery which cuts off their fingers and their hands, puts out their eyes, destroys their health, and leaves them a hopeless wreck for society to care for.

Let us swear by everything in heaven and earth that nothing shall rank above the child in our interests, our affections, and our protection. Beast and bird will die for their young; are we not better than they?

In the first draft during the Great War, 55% of the men from Pennsylvania were found unfit. It is thought to be largely due to the fact that Pennsylvania had not had for 25 years an adequate child labor law.

All the states in the Union have child labor laws except Utah and Wyoming. The reason is that they have not yet felt the need of them seriously enough. They have no manufacturing there, to speak of.

Sometimes widows are left with a family of young children and no breadwinner. Pensions are usually absurdly inadequate in such cases. It is hardship, any way she turns; and child labor is not always the worst.

It is claimed that children should be permitted to work for food, clothing, and shelter. But man cannot live by bread alone. No child can really earn its living. Its future for all its life is sacrificed for almost nothing.

It is not the law that gives protection to children: it is the way it is enforced. What assurance is there that a national Child Labor law would not be enforced as corruptly as the prohibition law has been recently?

An amendment is not legislation. It must be authorized entirely by the legislation it authorizes. It is just as bad as the legislation it authorizes. If it authorizes ruinous tyrannous legislation that is exactly its character.

Investigation has amply demonstrated that child labor does not pay either the child, the parents, the employer, or society. Those who think otherwise are mistaken. A man has a right to his opinion only if his opinion is right.



Where the childwork involves physical and moral risk or danger, there can be no possible question as to both the right and the duty of the state to interfere to whatever extent may be necessary to give the necessary protection.

It is already difficult to get children to work. Even the affirmative might bear witness to this, as the negative certainly can. Now it is proposed to back up this native repugnance by an act of Congress authorized by this amendment.

Leaving the protection of children to the several states does not protect them as a matter of fact. It cannot protect them unless they all have practically the same laws, and that is just what this amendment seeks to bring about.

Child labor is wanted only because it is cheaper, and because it lowers the wages of adults. Thus children are compelled to compete with their parents and lower their wages, so that the total wage of the entire family is lowered.

An Oklahoma City mother of five boys 4 to 13 said, "They can earn more than the charity society sends. We can't live unless they can sell papers. And this amendment provides for punishing a newspaper for employing them!

It is well known and universally admitted that students who work their way thru college average better than others both in school and in after life. This amendment makes possible the prohibition of the labor of students under 18.

When boys drop out of school because they cannot keep up with their work, what are they to do? The school seldom furnishes the work they need—vocational training—and this amendment proposes to prohibit their going to work.

It is called a "Child Labor Amendment". It is not. The word "child" does not occur in it at all. It is "persons" under 18. Give us a child labor amendment which means what it says and says what it means and we will vote for it.

Prohibiting child labor is prohibiting the child's earning bread, or clothing, or shelter. How are millions of children to live if they are not allowed to work? The proposed amendment makes no provision for the children of the poor.

Instead of an amendment to prohibit anybody from working, it would be far better to have one prohibiting idleness and giving Congress the power to prevent it. This might put some of the idle rich to work, and that would be good for them.

Some families could not live if the children were not allowed to help in the family support. Under this amendment such families would have to be broken up and scattered among the poor

houses and children's homes. Which is the worse?

Of course much child labor is deplorable; but poverty is still more deplorable. To send children unfed to squalid beds is also deplorable. What can we say of those who would deny such children the right to work for the necessities of life?

Even if Congress should pass such laws as the negative so luridly picture, they do not have the last word. The Supreme Court can negative any law inimical to public welfare. That such laws would be sustained by the courts is unthinkable.

The chief opponents of child labor seem to be from the states where it is not especially needed or profitable; while many of those who oppose its restriction are from states where child labor seems indispensable. It was similar with slavery.

The affirmative keep assuring us that if this amendment is adopted Congress will never pass a law interfering with the labor of children on the farms. How do they know? More than half of the Congress come from non-agricultural states.

The excuse offered for this amendment is that children should go to school instead of working. But children who go to school must have clothing and food and homes and books. How can the children of the poor get them without working?

A high school principal in a talk to his students urging them to do better work in their books said: "Do you want to have to work as hard as your parents have done? Well, then, do good work in your books, and escape such drudgery!"

It may look benevolent for the wealthy to declare that the children of the poor shall not work; but is it a real kindness to the half-fed, half-clothed, half-sheltered children of the poor to prohibit them from working for a little additional comfort?

How are children who are half starved, half clothed, going to go to school successfully? When they can't get enough food to keep body and soul together, or clothes enough to cover their nakedness, how in God's world are they going to go to school?

Of the eight representatives from Oklahoma in the House of Representatives, six voted for the amendment, none against, and two did not vote. Yes: Carter, Bradley, E. E. Jones, McElwain, Swank, Thomas. No; none. Not voting: Howard, McClintic.

State laws are bounded by state lines. New York sends piece work to thousands of children in other states. Children in border cities have only to be taken across a state line and no law can protect them from the inhuman greed which exploits their labor.

No beast of the field, no bird of the air ever lived on the work of its offspring. Only man has done this, and there are

always some who can find excuses for it. This happens rarely but it does happen and state laws have utterly failed to prevent it.

The real issue here is not the rights of the states but the rights of the children. All concede the rights of the states, but who can question that the rights of the children are far superior? In fact the welfare of the children is paramount to everything else.

It is urged that children should have the largest opportunities for physical, mental, and spiritual development. Who doubts it? Who denies it? But how on earth are the children of the poor to get these things unless they are allowed to work for them?

It is claimed that the proposed amendment will never be applied to children in agricultural pursuits. Why, then, were amendments to exclude agricultural children from its provisions voted down in Congress? This was done deliberately and repeatedly.

Child labor was greatly increased temporarily by the demand for the utmost production during the war. The statistics of 1918 are freely quoted as tho they represented present conditions. Affirmative arguments are often discredited by careless statistics.

This amendment is suggested by the idle rich, by the sentimentalism of the well-to-do. Many who exploit the poor wish also to condemn their children to hunger and nakedness; to deny to them even the miserable pittance children are able to earn.

Child labor touches the life of every human being in our country regardless of state lines. That is to say, it is a national matter as clearly as anything can be. And more than that, we have no other national interest so important, so fundamental or so vital.

If it were understood that Congress was to use the power granted by this amendment it would not stand a ghost of show of adoption. Its advocates keep telling us that Congress will never use the power. What do we give Congress power for but to use it?

The negative clamor about the number of federal officials which may be necessitated by this amendment. There will be no such officials unless there is something for them to do. The thing to regret is not the official but that which makes one necessary.

Our economic system often grinds the poor to the last limit of endurance. If we are an example of a Christian civilization we should save the children even if we cannot save the rest. If the children of a single state are oppressed it fully justifies this amendment.

Children from all over the Union are coming to Oklahoma. Is it wronging the states from which they come if we have a little voice in how they are prepared for citizenship? The whole nation is interested in every child for it may become a citizen of any of them.

This amendment is carefully worded. It only secures a minimum standard of child labor legislation below which no state can go, but does not interfere in the least with the most enlightening legislation by any state. The negative are barking at a straw man.

Some of the negative seem to think that we do not need to do anything for the working child as long as we can get a plausible excuse for not doing anything. Excuses will not save the children. To hades with your excuses; we're going to save the children!

It is useless to argue here what the state can or cannot do, will or will not, the fact is they haven't done it. The children are children both of the state and of the nation. If the states fail to protect them the nation must. We are confronted by a condition, not a theory.

Child labor is often caused by the cruelty or indifference of the father. Adler tells of a boy who had to work from 6 a. m. to 10 p. m., while his father was earning \$6 or \$7 a day. Of course the family could find good use for the additional wage, but it was not absolutely necessary.

The alleged untoward results of this amendment are pure suppositions based on the assumption that Congress is destitute of common sense and entirely impervious to public opinion while the amendment is aimed at actual facts which are doing incurable harm every day.

One of the grim sayings of Tolstoi was that the one thing which the rich will not do for the poor is to get off their backs. Doubtless many do not realize that they are supported in some degree by the toiling, unprivileged masses who never make a profit, or even a living wage.

This is not a "child labor" amendment. It has been held that "child" refers to those under 14. Every state in the Union already prohibits labor under 14; that is, "child labor," during the regular school term. The amendment does not say "child" at all, but "persons under 18."

The negative argue that the states are making rapid progress under our present system. They ignore the fact that story progress has almost ceased; that the states have got about as far

as they can; that the chief obstacles remaining are those which the states cannot overcome.

The law in Oklahoma allows a girl to marry younger than 18 if her parents consent, but this amendment gives Congress the power to forbid her cooking meals or keeping house! "Oh, Congress will never use the power." Then why give such power to Congress or to any one else?

No great advance was ever made in human welfare without some predicting all sorts of ruin that would result. They said it about the Constitution, the League of Nations, the Federal Reserve Act. They tell us what we can't do; we want to know what we can do for the children.

It is as futile as it is wicked to try to prevent a child from earning something to eat and wear unless the father is permitted to earn enough to support it. We cannot consistently advocate this child labor amendment unless we are also advocating larger wages for breadwinners.

If three-fourths of the states want a child labor amendment they have a right to it and can get it. If that many do not want it this amendment cannot be adopted. If more than one-fourth do not want such an emendment it will be defeated. Our government is founded on majority rule.

There are many machines which require so little attention that a child or youth can attend them just as efficiently as adults, and for much less wages. This of course reduces the wages of the older members of the family. Child labor is always and everywhere used to hammer down wages.

It is easily possible for all the states to adopt a law thus securing uniformity where it is needed. For example, the "Negotiable Instrument" law was passt by Congress for the District of Columbia and the same law was copied by all the states. No amendment to the constitution was needed.

Children often move from state to state, and still more after they are grown. They vote on national matters as well as state. They are citizens of the nation as well as of the states. Their proper development, then, is only temporarily a state matter; it is finally and permanently a national matter.

Child labor is necessary sometimes to relieve the poverty of the family. Thousands of workmen are injured or killd every year. During recovery there is often nothing else to do but put as many children to work as possible. Sometimes such accidents occur when the mother cannot leave home to work.

"All work and no play makes Jack a dull boy" the old



adage says. But it is far worse than that; it makes Jack a dull man. It ruins his chances for success in life; it prevents his full development. What a child can earn is utterly insignificant in comparison with the price that must be paid for it.

The affirmative talk as tho prohibiting child labor would send the children to school. It ought to be self-evident that the chief cause of child labor is poverty. And there is no remedy for it but the removal of poverty or taking children away from their parents and rearing them in state institutions.

If a state pass a child labor law that does not work well it is easy to amend or repeal it, and so by constant experimenting find the best law, and keep laws adjusted to constantly changing conditions. But a national law is on such a huge scale that it must be unwieldy and cannot be easily adapted or changed.

The very fact that state child labor laws differ so much show very clearly that conditions are different in the different states, so that a uniform national law would work great hardships in some of them. Different laws are required to meet different conditions. Ignoring these differences does not eliminate them.

The United States is far behind England, France, and Germany in child labor legislation. We have to be classt with Russia. The negative tell us that we can't do anything without amending the Constitution, as if that was something awful. We have already amended it 19 times for less matters than child labor.

This amendment will restrict child labor; will make it more difficult; will protect children where the labor is unnecessary or excessive; and will protect them against cruelty and overwork where it is necessary for them to work. No state can possibly do this for children near boundary lines, or in migrating families.

Compulsory education laws are universally satisfactory. But if children are compeld to attend school it is superfluous to prohibit their labor. A compulsory education law might do all to prevent child labor that this amendment can. Children in Oklahoma must attend school till 14 and for at least 5 months in each year.

Children are incapable of taking care of themselves. They cannot form unions and use collective bargaining; they cannot make legal contracts; parents cannot protect them without losing their own jobs. It is amazing that any one calling himself human should object to their protection by law as is contemplated by this amendment.

If the wages that children earn by labor were added to adequate wages of the father, there would be no objection to the

propaganda against child labor. The state could then with best reason and justice demand that the child go to school and to the playground, and make the best possible use of its time and opportunities.

Child labor does not pay; nobody is wrongd if it is prohibited. The business of childhood is preparation for life. Investigations have shown that no possible wages can be paid a child which will compensate it for what it loses by being deprived of preparation for life—education, health, growth, physical and mental development.

Friends of children wish to get results; they are not satisfied with mere talk. They know that this amendment will bring results, the results that the children need. This is just why they favor it. It is futile and vain to profess friendship for children and oppose the use of means and methods in their behalf which are effective.

Children not only need to learn how to work but to form habits of work, diligence, and industry. They can form habits only by oft repeated acts. They must work regularly and systematically. Yet this amendment proposes to interfere from Washington City with the requiring of work to be done by children all over the country.

Legislators do not hesitate to spend hundreds of dollars on stock where they begrudge pennies for child welfare. Gov. Miller of New York urged spending \$250,000 for hog sheds and barns for the state fair, but opposed \$75,000 for putting the Sheppard-Towner act into effect. At the next election, women's votes retired him to private life.

The assumption that Congress will pass laws prohibiting child labor under 18, is utterly groundless. Congress has already shown what it is likely to do. It has passt two child labor laws, which were futile because of a lack of the amendment now advocated. This amendment would merely be followd by the re-enactment of those same laws.

Socialists have always contended that state support of children is the necessary corollary of prohibiting the labor of youth up to 18 years. They openly argue that if this amendment is adopted, state support of children will be absolutely unavoidable. Many students of the question are convinced that the whole movement is a socialistic scheme.

No human being can have but one childhood. If that is lost or misused the whole life is lost. Human limitations are tragical enough at best. The crime of preventing a child's full-

est possible development may be a greater crime against life than murder. The state cannot claim to be civilized which fails to protect the rights of helpless children.

The negative say, "Let the states do it." They know very well that the states will not do it; that they never have done it; that they cannot get together about anything. And even if they could, and would pass the same laws contemplated in the child labor amendment, how would it be any better than doing it all at once in a constitutional amendment?

An amendment must necessarily be in a few words. It is impossible to frame a law in fifty words which will be as explicit and definite as a statute of 500 words. The demand of the negative that the amendment shall be worded so that it will be legislation instead of a constitutional provision is utterly irrational. They are hard up for argument.

So many of the objectors to child labor seem to speak as tho there was something very objectionable or even reprehensible about it. But that depends on circumstances. It all depends on what the child could do if it did not work. If the alternative was idleness or starvation, it is hard to see what credit the reformer could take to himse'f for opposing child labor.

One of the chief arguments of the negative is that this amendment will cost something. Well, suppose it does? Is money worth more than the children? Is a little money now worth more to our country than the citizens of tomorrow? Can there be a more effective use of money than securing the perpetuity of our institutions by caring for the children?

There are doubtless many cases where children are compelled to work by the selfishness and greed of those who control them. For them no appeal could be too strong nor the response of society too vigorous. But it is preposterous to class all child labor with that. Much child labor is a choice of evils, and altogether the best choice which life affords them.

If this amendment should be adopted the Child Labor Bureau would have to be increased by thousands of officials which would inevitably become the spoils of political victories. In every national campaign they would be added to the already too great army of office holders working for the party in power. It is wicked folly to refuse to face such facts as these.

There is no possible question but that this amendment takes the ultimate authority from the parents and vests it in an inspector of a bureau in Washington. That power is given even if it should never be used. But in the name of common sense, why

give such power to Congress if it is never to be used? The whole affirmative argument breaks down on that question.

Children are employd only because they can be got for low wages. That makes the children compete with their parents and lower their wages. By making the family poorer the necessity for the children working is increast and they are compeld to work whatever the wage, and this would still further reduce the parents' wages. This is the vicious circle involvd in child labor.

The cry of opprest and outraged children has reacht the heart of the nation. If our institutions cannot protect children, then our institutions need to be changed or destroyd. If they cannot protect children they deserve to perish. But our nation can protect children; all it needs is to go at it right; by a national law instead of forty-leven conflicting state laws.

It is claimd that this amendment concerns every parent, every child, every individual in the United States. That is true, and if that doesn't make it a national matter what could? Laws which concern only a few people or states may be left to the states immediately concernd. Things which concern everybody are the very things Congress is supposed to legislate about.

Many advocates of this admendment keep claiming that it will deliver 1,000,000 children from slavery. The census shows that about 1,000,000 children are engaged in gainful occupations. Of these, however, nearly two-thirds are engaged in agricultural labor at their own homes, and the affirmative deny utterly that the amendment applies to that kind of labor.

Argument by prophecy is a cheap and safe kind of argument. You are not restricted by facts, by the truth, by nothing indeed except the limitations of the power of the imagination to conjure up improbable or impossible conditions. Such arguments have little weight against facts. Most of the dire predictions concerning this amendment are worse than ludicrous.

This is not a child labor amendment but a "Youth labor" amendment. Child labor is already more or less prohibited in every state in the Union by state laws. It contemplates the prohibition of labor between 14 and 18, but this infamous purpose is cloakt under the name "child labor." The very fact that the affirmative resort to such trickery discredits their entire motives.

A law to prevent children of the poor from working could not be enforced. It would be utterly impossible. If this amendment is adopted we shall be compeld to adopt a minimum wage law and make it high enough to compensate for the loss of the

children's wages. When you go to putting parents in jail for having their children work you will hear something drop.

Oklahoma is rearing citizens for every state in the Union; and every state is rearing them for Oklahoma. Every state is vitally interested in the process. Every state has the right to demand that the children of every other state shall have a fair chance to become good citizens. No state can possibly be wronged by laws which protect children and give them better opportunities.

It is charged that Congress would abuse the power given to it by this amendment. But Congress has already shown what it is likely to do. It has already passed two child labor laws which were universally approved, but were declared unconstitutional by the Supreme Court. The object and occasion of this amendment is to make these laws constitutional when they are passed again.

Child labor is notoriously inefficient, and could not be otherwise. They lack all that education and training and experience can give. They are sacrificed without any compensating advantage. But even if their labor was more valuable than that of adults it would still be unprofitable to invalidate future men and women for the sake of anything they could earn as boys and girls.

It is clear that as great a country as ours could not possibly be governed from Washington. Any attempt to do it would quickly result in inefficiency and ultimately in either anarchy or tyranny. Every attempt to increase the amount of government from Washington is an attempt to destroy our liberties in every day living which has always been the chief characteristic of our government.

To people reared in luxury it seems hard, too hard for children, especially girls, to work on a farm, and straightway they want a law to prevent it. In very few cases only is the cause parental cruelty. The outstanding cause and almost the sole cause is poverty. These tender hearted aristocrats will want a law next to prevent children from going barefooted whether they have shoes or not.

Jane Addams found a girl 5 years old in a cotton factory tending a spindle frame at 2 a. m. John Spargo tells of a 4 year old girl who at 11 p. m. was helping her mother make artificial flowers. Her mother kept saying, "Don't sleep," "don't sleep," "just a few more." A little boy went to work in a glass



factory at 10. At 15 he died of tuberculosis. No, he was murdered by child labor!

The advocates of this amendment are strangely blind to the fact that prohibiting labor by children is condemning them to a worse fate. They would take away from them their possible earnings and do not propose the slightest reparation. How are these children to live? How are thousands of widows to live who are struggling heroically to keep the children together and the family unbroken?

The only reason ever given for Federal encroachment on the states is that Federal administration is far more efficient and also cheaper. If the states wish to retain their ancient powers all they have to do is to be efficient; to serve the people better than the national government can. Nobody objects to national laws concerning hogs and wheat and cotton; aren't children at least equally important?

It is very common for older people to require children to work exactly as adults do. But it is impossible for the child to take the same interest in and have the same motives for work that their elders have. Work is not the same for children that it is for older persons, and they cannot be judged by the same principles. This is a fundamental law of human development, and nothing can change it.

Where families are sufficiently well-to-do interference with child labor is justifiable. Where it is due to parental selfishness, indifference, or ignorance Congress should have the power to interfere. But in families of the poor Congress is too remote, and bureaus too doctrinaire, theoretical, or arbitrary to blunderingly interfere in the infinitely delicate family relations of parents and children and community.

But the affirmative say, "We admit that the wording is not just right, but let's adopt it any way." But the wording of a law is the law. If the wording is wrong the law is wrong. This law can be worded so that it will protect the children and still not endanger our form of government. All thru this debate we are not objecting to the regulation of child labor, but to this particular method of trying to do it.

It was a joke on the Roman empire that a pro consul once had to send to Rome, 1,500 miles away, to get permission for a man to move his grandmother's grave. In the administration of any national child labor law it might easily be necessary to have to refer a new question to Washington. The absurd and mon-

strous thing is the centering of power in Washington that ought to remain vested in the states as now.

Self support is the first and paramount question of human existence; we must live before we can do anything else. Very few schools do much to prepare a child for self support. Children of the poor naturally think that it will not pay them to stay in school since it does not give them that in which they are most vitally interested. Our schools do not directly fit most children for the life they will have to lead.

Many students of this question make a distinction between child labor and child work. Child labor is continuous, absorbing, takes away from the child opportunity for development, deprives them of a normal childhood, of happiness and play. Work on the other hand is wholesome, purposeful occupation, a means of higher and happier living, developing habits of thrift, energy, ability; an essential part of life development.

The total membership of all the legislatures in the United States is about 4,000. 3,000 of these can adopt this amendment. The people have no real voice in the matter for there will be very few campaigns where it was an issue. The first constitution was adopted by conventions elected for that purpose and no other. To say that 3,000 persons can fix a law upon 110,000,000 of people does not sound much like democracy.

No community would permit a child to starve. There are agencies abundant and efficient for feeding those in poverty. Breadlines and soup kitchens are known in every large city. The alternative of child labor is not starvation at all, and the negative have no right to represent it so. Of course prohibition of child labor may increase the cost and burden of these charitable agencies; that is expected; that is taken for granted.

It is known that tremendous pressure was brought to bear on Congress to submit the Child Labor amendment. Some thirty organizations maintained a lobby supplemented by letters and telegrams galore. Every effort was made to make it appear that congressmen who did not yield to this pressure were hard hearted, selfish, or old fogey. Similar pressure will be brought to bear on the state legislatures to get them to ratify it.

"Everybody has to work on the modern American farm in order to make ends meet." The crime of this proposal is that it would eliminate a large part of farm labor without doing anything to improve the conditions which necessitate child labor. The affirmative are going at the question backwards. They are

putting necessity and greed in the same category, and are trying to prevent results while leaving the causes untouched.

No law passed in pursuance of this amendment could be enforced without a bureau at Washington with branches in every state and an army of office holders. And this bureau would enter into every home and interfere with the authority of every parent and guardian. It would modify every home and every family, and the life of every child. Whatever may be the evils of child labor this amendment is not the best way to reach them.

It is common in some quarters to label a proposal "socialistic" if the arguments for it cannot be met any other way. That does not scare us. The Public School and the Post Office are both extremely socialistic institutions. We are a free people: free to adopt any policy or social plan that seems best. Because a socialistic principle will work well in a few cases does not prove that it would work equally well in everything.

It is universally recognized that habits of work are absolutely indispensable to the proper development of children. Much has been said, correctly, about the value of play in child development. But a play program is of little value unless articulated with work. A complete program of child development must include both work and play. But this amendment authorizes Congress to interfere with a work program if not eliminate it entirely.

The United States are behind all the leading states of Europe in the matter of child labor legislation. The negative have been having their way here and this is the result. Every nation that has dealt satisfactorily with the child labor problem has dealt with it as a national matter with national legislation. State or local legislation has never been successful. Only national legislation as authorized by this amendment has ever succeeded.

How many farms in our whole land could be run if child labor were prohibited? How many men in Congress did not work on farms in their boyhood, and almost if not quite all of them the better off for it? The U. S. Bureau of Agriculture estimates that the average wage of the farmers in a recent year was only 60c a day with the work of the wife and children thrown in. Talk about prohibiting child labor under such conditions!

In dealing with a matter so important as the welfare of the children we must have efficiency; efficiency at any cost whatever, for there is nothing else on this earth so important. We know that state government is seldom as efficient as national. We have tried state government on the child labor problem and it has not only been inefficient but has been on the whole a failure

because child labor is not a state question, but in the highest sense a national question.

The discussions of the proposed amendment in Congress reveal an amazing mass conflicting and incompatible statistics. Some of the discrepancies can be explained but not all. But the issue does turn on the **number** of exploited children. It is quality rather than quantity that counts. If one thousand children are being brutally worked to death anywhere in this broad land, and the states do not or cannot protect them, this amendment is not only justified but demanded.

We used to have a song which was supposed to be a funny song, "Nobody Works but Father." If this amendment is adopted this song will be no joke. Nobody will work in the home except father and mother and the children over 18. The affirmative keep harping, "Oh Congress will never enact such legislation as this amendment authorizes." There is one absolutely sure way of preventing such legislation; that is never to give the Congress the power to pass it.

A national bureau could have much wider experience than any state bureau could have, and every state would get the benefit. Every successful method would be at once used all over the nation, where now an improved method requires a generation for general adoption; and even then is modified and changed so much to suit notions and quirks, not to mention selfish interests. Every interest demands the efficient protection of childhood; nothing can be considered before that.

This amendment is certain to produce an enormous amount of litigation, and nearly all of those involved will be poor people. These suits will not be in the home courts but in the United States courts, only a few in each state. The poor cannot afford the expense of attending them; that will leave the bureau inspector of the child labor bureau in complete authority. What do the affirmative mean by trying to force such a tyranny upon the people as this amendment?

#### The Latest Statistics

A recent report of the Census Department shows a wonderful decrease in Child Labor. The total number between 10 and 15 years of age now employed is 1,060,858, of which 714,248 are boys, and 346,610 are girls. This is a decrease since 1910 of 46.7%, or nearly one-half. 61% of child labor is on farms, five-sixths of which is on home farms.

Farmers will oppose this amendment because it authorizes Congress to prohibit child labor on the farms in harvest times, cotton picking times, strawberry times, etc. "Oh, but Congress would never do it!" Then why are you giving it the power to do it? If Congress should pass such a law the courts could not declare it unconstitutional if this amendment is adopted. Why give Congress a power it is not expected to use? This question is a knock-out for the affirmative.

The fundamental principle of our government is this: Only such powers are vested in the national government as cannot be efficiently and successfully exercised by the states acting independently. The regulation of child labor by the states has been a failure and never can be successful except within the state boundaries. But children are not, and cannot be confined within such boundaries. They and their parents are always free to cross state lines, and many of them do so.

The size and age of the renter's family are everywhere considerations in renting farms. The regulations and restriction of child labor are the simplest if not the only means of reaching the evil, and those who oppose them are least of all suggesting any other remedy. The proposed amendment recognizes the fundamental, indubitable right of the child to an opportunity to grow, to make its life significant or worth while. Nothing whatever can take precedence to that; we must adapt other things to it.

The affirmative complain that some 2,000,000 children in the United States are being deprived of their birthright—the opportunity to grow and to play. Nobody questions that; nobody defends it. But the implication is that it is all due to the greed of parents and employers. Doubtless some of it is, but most child labor is compelled by poverty. To refuse to do anything to increase the rewards of labor and punish children for working is approaching the limit of irrational injustice.

Modern economic organization demands profits, without which all business and production must cease. Child labor is sometimes needed. Much machinery is so easily operated that a child can operate it as efficiently as an adult who requires a larger wage. Often the family income is inadequate even with the help of every member of the family. Usually work is the only means by which children can get any money of their own, and so begin their training in the value and uses of money.

The average school year in the towns is 180 days; in the rural schools it is only 140 days. The average attendance of rural children is only about one-half the total school time. The



remedy is not forbidding child labor, but reducing the cost of living; for if the law cannot increase the price of what the farmer has to sell, it can at least refuse to increase the price of what he has to buy. Make the farmer able to educate his children and our present compulsory school laws will be all that is needed.

The affirmative keep attacking child slavery as tho that was an issue in this debate. The negative are just as much opposed to child slavery as the affirmative are. The sole question before us is this: "What is the best way to prevent the exploitation of childhood; state law or national law." The affirmative want a huge Federal bureau at Washington with an agent in every community in the whole nation, so the party in power can have a political worker in every neighborhood in every state in the Union.

Every well informd patriot is becoming alarmd at the increasing centralization of power in Congress and the national government. Already the liberties and the autonomy of the states is threatend. All agree that this must be checkt or it will soon be too late. Many an amendment might be added to the Constitution whose purpose is in itself good, but every such amendment changes the dual nature of our government. Nothing should be referd to Congress that can possibly be done by the states.

In 8 schools in Philadelphia more than one sixth of the children left school in the spring to work on truck farms, mostly in New Jersey out of the jurisdiction of the Pennsylvania laws. Neither can the New Jersey laws apply. Only a national law such as this amendment can possibly bring justice and opportunity to these children. This is true along state lines all over the Union. The only remedy is the same law on both sides of the state line; that is, a national law which this amendment authorizes:

The states cannot surrender the regulation of child labor and at the same time retain it. This surrender is independent of any action Congress may or may not take under this amendment. The states are askt to surrender all control of child employment. If they do it they do it, and no action that Congress may subsequently take can annul that surrender. We are askt to put all children under Federal control till they are 18. We are debating here a principle of government. Is this proposed surrender good government?

The affirmative argument is based on vital, living facts. Children are suffering right now. The negative arguments are based on prophecies of evils which they say will result. Every

argument is in the future. Even if the negative could qualify as prophets—which of course they cannot—the evils they predict may be minimized or averted in innumerable ways. We face actual conditions, not theories. The negative would let these children suffer on for years rather than risk evils which they imagine might follow an effort to protect them.

The amendment should never be adopted with the 18 year provision in it. Everybody admits that it is useless now, and nobody can cite a probable case that may arise in the future where it will be necessary. Then why put it in? Why give the power to Congress if it is not to use it? If this amendment were reworded so that it would say exactly what it means, and mean exactly what it says, no more nor no less, then we would support it. But we are asked to approve a viciously misworded amendment simply because it relates to a good subject.

Even if the child did need the wages it can earn, if we certainly know that it is losing far more than it gains, it would be the clear duty of the state to interfere. Even if the working child prefers to work it is the duty of the state to see that he gets what is really best for him. That a child should prefer working to going to school only makes the case more appealing. The real question is not what he wants to do, but what is really best for him. The state exists to protect its citizens; if it does not do that it forfeits all right to exist and to control its citizens.

Unfortunately for those who wish to centralize our government in the Capitol, Washington is not situated anywhere near the center of the country. The northeastern states are near enough so that they could endure government from Washington. But for the remote portions of the country such government is unthinkable. The poor man could never present his case at headquarters; only the rich would stand any show for justice or even a hearing. We fought the Revolutionary War because the colonies could not be governed from distant England.

The proposed amendment is a police regulation—no one can possibly question that. Police regulations have no business in the constitution. Neither is it the proper function of Congress to pass police regulations. Congress has no police with which to enforce such regulations, and could not have one that could function without infinite confusion and complication. The police of Congress is the Army and Navy. Do we wish to turn our children over to them? Is it really necessary to call upon battle ships and aeroplanes to keep a few children from working?

All over the nation there are children living near state

boundary lines. Without this amendment, merely taking children over the line deprives them of every particle of protection that any state can give them. Only a national law can help them, and a national law cannot be passed without this amendment to the constitution. This makes child protection a national question. Not only children on the borders of states can be moved from state to state, but modern facility of transportation is all the time making it easier to transport them from any part of a state across its border.

This amendment undoubtedly will interfere with the right of human beings to make a living. This no one will even attempt to deny. No state would dare to pass a law forbidding all persons 17 years of age to work for a living. If this amendment is adopted Congress will be explicitly authorized to do what no state would do. "Oh but Congress won't do it." How does any body know what Congress will or will not do? This amendment legalizes in advance anything that Congress may do in this line. And we are asked to grant this power to Congress because Congress will never use it!

If a man had the toothache and a dentist were making preparations to pull a tooth we should not object because the remedy is in keeping with the disease. But if we saw a surgeon preparing to cut off the sufferer's head to cure his ache, we should protest, because the proposed remedy is not in keeping with the disease. Just so here. We do not object to proper remedies for child labor; but when a subversion of our whole theory of government is proposed, we wish to be sure that such a drastic remedy is necessary. And it is not. The victory for the child is already won in nearly all of the states.

Children must go where their parents take them; they are powerless to resist. No state may pass a law that is binding on citizens of another state. Practically all states have laws which require children to live in a state one year before a child labor law could protect them. By an annual move to a new state children may be deprived of any possible protection thru entire childhood. In the three states of Pennsylvania, New Jersey and Delaware there are already thousands of such cases; and in time such cases will occur everywhere. Absolutely nothing but a federal law can give these children any protection.

We have a great deal of sob stuff about children who have to work hard, and work under hard conditions which all must regret. But what is the alternative? Suppose these children did not work, what would they do? Unless there were a great eco-

conomic change in their condition they would have to steal or starve. The condition of many a working child is indeed deplorable, but would it be any better off if it were starving, or being sent to jail for stealing? To make a law that children shall not work without doing a thing to mitigate the necessities that compel them to work is near the climax of injustice and unreason.

It is inevitable that state lines should be less and less important in our national life as roads are improved and means of transportation increase. Already state lines are obliterated in commerce. Every merchant buys goods where he can get the best bargains. If the number of people who cross state lines every day could be counted it would run into millions; while solid trains loaded with freight know nothing of state lines, to say nothing of wagons and trucks which pass as freely from state to state as from county to county. The constitution did this deliberately, and we welcome it. Why don't the negative shed crocodile tears over this?

The ancient Ammonites had a god called Moloch. One of their religious rites was to heat a statue of Moloch red hot and throw little children into its mouth. And in the shrieks and screams of the children as they burned, the multitude standing by thought their sins were atoned for, and they were selfish and inhuman enough to go away relieved notwithstanding the suffering of the innocent and helpless children. Moloch still remains, but we call it Business now. We still throw children into the furnace; we see them crippled, maimed, wrecked in body and soul, and congratulate ourselves on our profits. How are the children of America better off than the children of Ammon?

It is admitted that this proposed amendment will give congress far more power than it is ever expected to use. Why do that? Why not give congress just the power you want it to have and no more? You are giving congress power to prohibit work on farms and truck gardens. There are 26,000,000 children in the U. S. and it is claimed that this law is not intended to apply to more than 300,000 of them. "Oh," it is claimed, "Congress will never use this power." Then in the name of all the gods at once, why give it to them? How do you know they will never use it? When did Congress ever fail to use all the power it had and more too. Nearly every year the Supreme Court has to give Congress a dressing down for passing unconstitutional laws.

The chief argument of the negative is that Congress might abuse the power granted it by this amendment. Because it gives

Congress power to prevent employment of minors of 18 in dangerous operations, they charge that it prevents all children under 18 from working at all. That's not honest argument. It is perfectly evident that any senator or representative voting for such a law as the negative talk about would be driven not only from public office but from association with human beings. The argument is purely academic. Every amendment, and every clause in the constitution, gives Congress power to pass unnecessary laws, foolish laws, idiotic laws. Only the negative can conceive of a Congress destitute of common sense and common decency.

It is freely admitted that some kinds of children's work are not injurious and is even wholesome and beneficial. No law-maker would think of putting these into the same category with dangerous occupations. It is always better for children to be employed than to be idle; their work is sometimes imperatively needed for the support of the family. But all such cases can easily be provided for, and are provided for in child labor legislation. But there are many occupations which ruin body, soul, and mind; such as mines, textile factories, glass factories, tobacco factories, etc. More than 300,000 children are injuriously employed in the United States. If there were only one child being ruined the whole nation ought to rise. It is the quality of the wrong as well as its quantity that cries to heaven.

The farmers are told that this amendment will never be applied to agricultural labor. Then why is the power to do so given? In the hearings before Congress it was explicitly admitted that it might be applied to agricultural labor. An amendment was offered to it exempting farm labor and it was voted down. There is no assurance whatever that agricultural labor will not be attacked by resulting congressional legislation. The great majority of Congressmen come from states where nothing whatever is known of raising cotton, sugar beets, tobacco, etc. It would be easy to jam a law thru Congress by a bare majority that would ruin these industries in many states. The power to do so is being granted in this amendment. Now is the time to prevent it. That is the infamy of it: giving men power to legislate where they have neither knowledge nor interest.

This amendment gives Congress the power to destroy our present economic system; to destroy our present type of civilization. People will not do such a thing as this without some purpose, some intention. What is it? What secret and ulterior purpose is hidden behind these words. Never before in all the his-



tory of free government was such sweeping and tremendous power given to any legislative body. The purpose is plainly socialistic. If children and youth are not allowed to work the government must feed them. There you have it; socialism triumphant. If there is any other reasonable motive for the extreme provisions of this amendment let the affirmative come out in the open and make it known. Hear them: "It may be necessary sometime for Congress to make the limit 18 instead of 14 or 16 which would be ample now." That "sometime" could be only under a socialistic regime; that is what they are getting ready for.

Much has been said about the cost of Federal enforcement of child labor laws. It ought to be perfectly evident that it will be a great economy. Without this amendment every state in the Union would have to maintain a bureau, the small states as well as the large states, which would be far more expensive and far less efficient; for these state bureaus could not apply any law to the thousands who are constantly passing from state to state. Many states would not be able to maintain the full quota of officers needed; in other states exploiters of child labor would condition campaign subscriptions on the non-enforcement of the state law; in many states selfish interests could influence state legislation infinitely more than they could national legislation. A small combination of such interests might easily dominate a single state which would have very little national influence. Anything as important and vital as protection of children should enlist the whole power of the nation.

The Child Labor amendment confronts the good citizen with perplexing alternatives. Beyond all question enough children are suffering grave injustice from unrestrained child labor to justify fully the extremest efforts to relieve them. Undoubtedly they should be protected by state laws where the enforcement will be cheaper and more efficient. A national law would have to be enforced from Washington City which is a long ways from here. Enforcement from there, if efficient, would be enormously expensive, and even then might not be very efficient. For all the children in the United States to be dependent on a bureau at Washington does not look much like self-government, the corner stone of our system. This amendment would set a precedent which would as surely be followed as night follows day and other bureaus would certainly follow. This would be a revolution in our form of government, and would do immense if not ruinous harm. Which of the two evils is the greater? Is there any other way to protect the children? Statistics certainly show that great

advances are being made under state legislation. Have we tried that sufficiently to demonstrate beyond question the need of this amendment? Is it really true that states cannot be trusted to take care of their own children? Certainly the amendment should not be adopted as long as there is any possibility of accomplishing the same thing by state action.

The deplorable cases of child labor are due to poverty; children who work because of thrift will not submit to brutality. The children of the poor must submit to anything. Nearly 15,000,000 workers receive less than \$1,000 a year. 80% receive less than \$1,800; 95% less than \$2,000, while the remaining 5% receive more than 26% of the total national income. The Federal Commission on Industrial Relations reports that at least one-third and possibly half the wage earners in mining and manufacturing do not earn a comfortable living. 2% of the people of the United States own 60% of the property; 440 families having more than \$20,000,000 each. There are 63 Americans with incomes of over a million each, not one of them deriving as much as one-third of it from personal service or business. Too much money is made by speculation where no real service is rendered or even attempted. There are too many "snaps," special privileges where enormous profits are received for insignificant services. The consciences of many of these privileged classes are troubled at child labor as well they may be. They propose to prohibit child labor ignoring the fact that millions of them could not live without working. Pay the worker a decent wage, or at least at living wage, then if he works his children punish him. But to pay him less than a just wage and then punish him for working his children,—that sort of thing fomented revolution and ends in bloodshed. The problem of child labor cannot be separated from the economic maladjustments of our times.

### GETTING DEBATE HELPS

The greatest source of materials is your Congressman or Senator. The following list of materials every debating team should have without fail.

Congressional Record, Vol. 65, Numbers 111, 112, and 147.

These three numbers contain most of the debates in Congress.

Report Number 395; Judiciary Com. of the House on the Child Labor Amendment. 68th Congress.

For the above, apply to your Congressman.

Congressional Digest, Feb. 23, 1924. Price 50c.

The National Child Labor Committee issue a great many pamphlets and circulars in favor of the amendment; among which are the following:

- Child Labor Facts, (a little booklet).
- Annual reports, especially recent ones.
- No. 114, Ten Questions Answerd.
- American Patch Work.
- Child Labor in the U. S., December, 1923.
- "Isn't it better for him to learn this way—"

Every debater—except, perhaps, those just beginning—should practice hunting materials. This is of the very first importance, and ranks with oratorical ability and ability to organize materials. Many good articles were omitted from the bulletin purposely that earnest and laborious seekers might have the advantage they deserve.

A package of materials supplementing this bulletin will be loaned to each team on request—only one to a school. This must be returned in two weeks.

As old magazines cannot be obtained from the publishers as a rule, the prices are not given. Your best plan is to write to the H. W. Wilson Co., New York City, enclosing a list of what you want, and ask for prices; you can then select what you wish and send for them. Old magazines cost much more than new ones.

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